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EDITORIAL

MRS. WOODSIDE'S pilot survey must be viewed as a selection of drunken women who reach prison and her study is particularly welcome because of its objective approach to an issue which has since Noah's lapse been distorted by a variety of value judgments. The spectrum of judgments extends from the jocular to the harshest type of religious condemnation. International studies show how different are the ecological factors and factors springing from social conventions which are more evenly distributed throughout a community than we know, even with our existing social statistics. Reasons for admission for treatment, let alone for social control via the gaol, vary enormously even within a given country. The problem clearly will need clarifying by a more widely distributed source of alcoholic subjects. Being apprehended by the police is a rather narrow source of supply of subjects. We need every type of social and medical agency to provide data before a reasonable blueprint of the problem is obtainable and indeed reliable.

Mrs. Woodside's breakdown of her pilot survey gives valuable indication in a negative sense as well as in a positive direction. That is, the prison group for example will disclose the low intelligence group, the socially deteriorated, and the domestically distressed, leading to separation. But a wider source would disclose an average to high intelligence group with types of endowment not unassociated with emotional qualities and character deviations which need the stimulus as well as the solace of Lethe waters. The issue of economic stress would appear to be a secondary or even a tertiary consideration; it may well be a milestone on the road to disintegration getting

nearer and nearer the machinery of social control. The predisposed are not difficult to recognise by those who have the psychopathological instruments for identification at an early stage. In our changing world of increased social welfare and the early development of an adolescent group as wage earners and a self conscious social stratum, Mrs. Woodside's paper sounds a warning note for early studies of the unstable.

THE CRIMINAL LAW AND MENTALLY ABNORMAL OFFENDERS*

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I. *Introductory Remarks*

WHEN the Council of the International Society of Criminology did me the honour of inviting me to prepare for this Congress a General Report on the subject of " The Criminal Law and mentally abnormal Offenders " I realised that I would have to tackle a topic on which everything that could reasonably be said had already been said, a topic where the words from Goethe's *Faust* seem to apply with particular force:

> " Wer kann was Dummes, wer was Kluges denken,
> Das nicht die Vorwelt schon gedacht? "
> (Who can think of anything, be it stupid or clever, that has not yet been thought of before?)

Or, to turn from poetry to music, I felt like a conductor who has been invited by a record company to produce yet another recording of, say, Beethoven's Fifth Symphony (which, I believe, has already been recorded twenty-five times) and who nevertheless feels the urge to produce something original, instead of simply trying to imitate, say, the Toscanini or Ansermet or Furtwängler, or Klemperer or Karajan touch.

I should like to invite you to regard the present Congress as some sort of a Summit Conference No. 2, with objects not too dissimilar from those of Summit Conference No. 1, but we hope with better results. Let us try to conceive of the law and its associates as standing in the place of the Western Allies and of psychiatrists and their confederates as representing the Soviet Union with its satellites, with

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the possibility of sociology as a third force lurking somewhere in the background—all this, of course, implying no political value judgments whatsoever as for our present purposes East and West are equally near and dear to our hearts. Let us then see whether some practicable disarmament agreement could be worked out and whether all three parties could be persuaded to join a Common Market.

Sometimes, when looking at the literature of our subject, one gets the feeling that the differences between East and West are still very wide in spite of all the various state visits and other, more informal, travellings, or, shall we say, International Congresses. To one like myself, a lawyer by theoretical and practical training, a sociologist by naturalisation and a " psychiatrist " by association, but actually belonging to none of these three great professions and representing nobody but himself, anxious to see those dangerous gaps and misunderstandings reduced to the utmost minimum, the present Congress seems to offer a valuable opportunity.

Obviously, my subject centres largely, though not exclusively, around the relationship between the forces of the law, on the one hand, and the psychiatric profession, on the other, and it is here that most of the controversies and misunderstandings have arisen. It is a disturbing fact, however, that sociologists, too, have occasionally contributed to them, and their views cannot, therefore, be entirely ignored.

A distinguished and otherwise progressive English lawyer has recently said,[1] in an attempt to define the role of the psychiatrist in criminal proceedings: The judge's patient is not the offender; his patient is society—" the diseased body politic," as he calls it; and as the psychiatrist is concerned only with the offender there is, he concludes, not much room in court for the psychiatrist before the verdict, though he might be useful afterwards in advising on the kind of sentence to be imposed. While there is some grain of truth in these statements they seem to me to draw a one-sided, over-simplified, and distorted picture of the real situation. It is of course true that psychiatry is in the first place interested in the individual, just

[1] On the following text, see now Walter Raeburn, *The British Journal of Criminology*, Vol. I, No. 2, October 1960, p. 102 *et seq.*, and Editorial Note, pp. 97–98.

as sociology is in the first place interested in society and other social entities. The law, however, is concerned with both, society and the individual, although it is indisputable that wherever their interests clash the law has to give precedence to society. The relationships involved are in fact much more complex than would appear from the statements quoted before. Society, for example, is not merely the patient of the judge; it is also his boss, as it is the boss of the psychiatrist, too. Society is, on the other hand, the victim of the offender, but it is at the same time responsible for him and may even be partly responsible for his crime. We might perhaps say the offender is the patient of society through the medium of both the judge and, in certain cases, the psychiatrist. This being so, the judge cannot simply leave the offender to his fate and concentrate exclusively on his other patient, society.

Similarly, the relationship between law, psychiatry and sociology cannot be reduced to a simple formula. Under certain aspects, psychiatry and sociology belong together as primarily fact-finding disciplines, opposed to the normative character of the law; and they are both often regarded as deterministic in contrast to the indeterministic tendency of the criminal law. As far as their methods of fact-finding are concerned, however, psychiatry and sociology stand in different camps, the former relying mainly upon intuitive and uncontrolled clinical observation, the latter mainly upon objective, controlled, statistical techniques. What about sociology and the law? It is in their criticism of the psychiatrist's alleged neglect of the interests of society and of his preference for vague terms and imprecise techniques; in their use of generalisations instead of the individualistic bias of the psychiatrist; in their rejection of the exaggerated claims of some psychiatrists that all crime is due to mental abnormality that the lawyer and the sociologist are in agreement. It is interesting to observe, however, that especially in recent years, while lawyers have on the whole become somewhat more tolerant of psychiatry, certain sociologists—in particular in the United States—have been inclined to outdo the lawyers in their ferocious outbursts against psychiatrists. The explanation may be found in the simple fact that lawyers have at last become aware that, for good or ill, in their practical work they have to come to terms

with psychiatry as an often indispensable auxiliary force, whereas the sociologist, whose share in the diagnosis and treatment of crime has so far often remained largely theoretical, can afford to maintain a purely negative attitude. Looking at the vast amount of time and energy spent in recent years by some of our sociologists in their efforts to show how vague and unscientific most psychiatric terms are and how great the disagreement is among psychiatrists even about their most fundamental concepts [2] one cannot help feeling that, while these criticisms are useful reminders to psychiatrists not to allow their imagination, their scientific research and techniques to become too wildly undisciplined and subjective,[3] they leave the essence of psychiatric work basically untouched. It is fairly obvious that among psychiatrists, working clinically and intuitively, there should be even more disagreement and that they should produce even less evidence for their claims than is the case with lawyers and sociologists. On the other hand, should not members of these last-mentioned professions and, we have to add, members of the medical profession outside psychiatry, too, be honest enough to admit that there is far too much vagueness, jargon, too much unnecessary hairsplitting and frequent lack of unanimity even about fundamentals in legal and sociological literature, too? One of the sociologists referred to before even goes so far as to hint vaguely at the " methodological and philosophical reasons why it is perfectly legitimate for judges and lawyers to disagree, but not permissible for psychiatrists to do so." [4] There is in my view no human profession where it is " not permissible " to disagree; nor can there be any " methodological and philosophical reasons " to prevent a scientific worker from disagreeing with his fellows. In so far, I am happy to concur with Professor Jerome Hall, who writes: " Indeed, a lack of disagreement (among psychiatrists) would in many cases raise doubts regarding the

[2] See in particular Michael Hakeem, " A Critique of the Psychiatric Approach to Crime and Correction," in *Crime and Correction, Law and Contemporary Problems*, School of Law, Duke University, Vol. XXIII, No. 4, Autumn 1958, p. 650 *et seq.*; Barbara Wootton, *Social Science and Social Pathology*, London, 1959, Chaps. VII and VIII.

[3] For an illuminating discussion of the basic differences in research techniques used by experimental psychologists, on the one hand, and by psychoanalysts, on the other, see Gardner Lindzey in his introductory chapter to *Human Motives*, New York, 1958, p. 8 *et seq.*

[4] Hakeem, *loc. cit.*, p. 668.

integrity or competence of the witnesses,"[5] and we are all happy to see how eager psychiatrists usually are to demonstrate their integrity and competence. In short, the many undeniable weaknesses of present-day psychiatry should not be used as reasons or excuses for the exclusion of psychiatrists from any stage of criminal proceedings, but should rather force the lawyer to devise a system which would combine freedom of movement and expression for the psychiatrist with proper safeguards for the administration of justice. These safeguards can only be found in suitably formulated laws and, even far more important, in an adequately trained judiciary. Regarding the latter point, without anticipating my subsequent remarks it is obvious that the position will differ fundamentally according to whether the crucial decisions are entrusted to a professional judge or to a jury. One can at least try to train the former, but one cannot train the latter, and however detailed the instructions given by the judge in his summing-up they can be no substitute for proper training.

II.

After these brief introductory remarks I have now to pass to a discussion of some of the most important specific problems of my subject. The time at my disposal does not permit any reflections of an historical nature, nor is there any need for them after Dr. Guttmacher's lecture. There is, however, one personal remark which I find difficult to suppress. Looking back over developments in the past fifty years one can safely say that considerable progress has been made not only in psychiatry but also in the criminal law which, in many countries, has become more discriminating, more sophisticated, and more efficient in its dealings with our problems. Even some thirty years ago, when I was still a criminal court judge, our work was in some respects comparatively simple and correspondingly unsatisfactory. All we had to do, all we could do, was to decide whether the accused was legally responsible for his actions and, if he was found irresponsible on account of insanity, to acquit him. What happened afterwards to those found irresponsible was not our

[5] Jerome Hall, *Studies in Jurisprudence and Criminal Theory*, New York, 1958, p. 278 (reprinted from the *Yale Law Journal*, 1956, Vol. 65).

concern. In most jurisdictions things are now very different, and the task of the judge has become correspondingly more complicated, but perhaps also less unsatisfactory.

1. The first of those specific questions which I have to discuss is that of *definition* in order to determine the scope of the subject. I have no time to read out full literal quotations of the various legal definitions to which I shall have to refer, but an admirable comparative survey of the position in many countries up to the year 1953 is fortunately available in the Report of the English Royal Commission on Capital Punishment [6]; a shorter one may be found in the American Law Institute's Tentative Draft No. 4 of their Model Penal Code,[7] and a third survey up to 1954 has been given in German in the " Materialien zur Strafrechtsreform." [8]

How, then, do we propose to define the term " mentally abnormal," how has it been defined in the various criminal legislations? Perhaps the most important lesson to be derived from a study of the enormous literature is that we should never limit our investigations to one particular legal system but rather treat the matter on the widest possible international and comparative basis. Before an international audience such as this the comparative approach has to be taken for granted, but elsewhere, too, it is essential to avoid those pitfalls of narrow parochialism into which even some of our most eminent legal writers have fallen. If one knows of no other solution than, say, the M'Naghten Rules one may easily succumb to the temptation to regard them as indispensable and almost as a law of nature. Only if we realise that there is no particular magic about these Rules and that there are in fact many other formulae which have actually been used elsewhere without any disastrous consequences to society, only then shall we be willing to listen to reason.

Leaving aside all those refinements for which there is here no

[6] Report of the Royal Commission on Capital Punishment 1949–53. London, H.M.S.O. 1953, Cmd. 8932. See in particular p. 75 *et seq.* on English and Scottish law, and p. 105 *et seq.* and Appendix 9, p. 407 *et seq.* on the position abroad, p. 102 *et seq.* on " the inadequacy of the M'Naghten Rules " and p. 275 *et seq.*, on the recommendations for their reform.

[7] The American Law Institute, Model Penal Code, Tentative Draft No. 4, Philadelphia, April 25, 1955, Appendix A, p. 161 *et seq.*

[8] Hans Heinz Heldmann, Zurechnungsfähigkeit, Zurechnungsunfähigkeit und verminderte Zurechnungsfähigkeit, in Materialien zur Strafrechtsreform, 2. Band, Rechtsvergleichende Arbeiten I. Allgemeiner Teil, Bonn, 1954, pp. 345–365.

time we can, I believe, at least for the first stage of this discussion, safely content ourselves with a broad distinction between the world inside and outside the M'Naghten Rules. I know of course that according to many writers these Rules do not intend to give a definition of insanity, but in their actual application it can hardly be disputed that they have this effect. As Dr. Guttmacher has already shown, the Rules are still substantially adhered to, either as common law or as statutory law, in Great Britain and nearly all parts of the British Commonwealth—modified in some states of Australia and in South Africa through the addition of the irresistible impulse test—and they are also in force in most states of the United States, except New Hampshire and the District of Columbia, but in fourteen states they are also modified through the irresistible impulse test. This does not mean, of course, complete uniformity throughout in the interpretation and application of the Rules. The High Court of Australia, for example, in 1952 interpreted the word " wrong " in the Rules in a much wider and more reasonable sense than has been done by the English Court of Criminal Appeal.[9] And with regard to the United States, Professor Glueck wrote many years ago that " perhaps in no other field of American law is there so much disagreement as to fundamentals and so many contradictory decisions in the same jurisdictions." [10] The essence of the Rules and the principal criticisms to which they have been subjected for over a century can be taken as generally known. In a nutshell, these criticisms may be summarised under eight headings as follows:

(a) The notorious " right and wrong " test of the Rules concentrates exclusively on the element of knowledge, ignoring the elements of will and emotion and—not surprisingly in 1843—also ignoring the unconscious.

(b) The test expects psychiatrists to deal with a question to which they can have no meaningful answer, since " knowledge of right and wrong " is not a psychiatric concept, nor is it in their view a test of

[9] See J. E. Hall Williams, *The British Journal of Delinquency*, Vol. V, No. 1, July 1954, p. 72 *et seq.*; Norval Morris, " The Beattie Smith Lectures," *The Medical Journal of Australia*, March 8, 1958, p. 2; Glanville Williams, *Criminal Law: The General Part*, London, 1953, p. 323 *et seq.*, where a very detailed critical analysis of the M'Naghten Rules can be found.

[10] Sheldon Glueck, " Mental Disorder and the Criminal Law," quoted from Henry Weihofen, *The Urge to Punish*, London, 1957, p. 37.

insanity.[11] Even to the lawyer the test is too narrow, since *mens rea* is wider than mere knowledge.[12]

(c) The Rules are limited to cases of gross insanity, ignoring the much more frequent "non sane non insane" category, to use Sir Norwood East's phrase,[13] in other words the various types of neurotic and psychopathic offenders, and also ignoring the mentally defective group.

(d) Even within these narrow limits the Rules, in conjunction with the peculiarly Anglo-American system of cross-examination, greatly restrict the freedom of the psychiatric expert to say and to explain to the best of his ability what he regards as the crux of the matter, thereby forcing him to make statements in court which he himself may well regard as distortions of the truth.

(e) The vagueness of the Rules makes the outcome of an individual case unpredictable. This is a criticism which I am reproducing not because I believe other tests to be capable of giving more predictable results—they don't!—but because the mistaken view has so often been expressed that *only* the M'Naghten Rules are clear and simple enough to be administered with any degree of certainty by a jury.[14] Only recently Lady Wootton has written, and I was sorry to hear yesterday that Dr. Guttmacher apparently agrees with her: "Once we allow any movement away from a rigid intellectual test of responsibility on M'Naghten lines, our feet are set upon a slippery slope which offers no real resting place short of the total abandonment of the whole concept of responsibility." [15] My reply to this is simply that the path is always slippery, with or without the Rules, but that it is hardly more slippery and definitely more in agreement with modern scientific views without than with them.

(f) By establishing an unrealistic and much too narrow test the Rules inevitably hand the final decision over to the administration, *i.e.*, in England to the Home Secretary and his advisers who are not

[11] Report of the Royal Commission on Capital Punishment, p. 80; Philip Q. Roche, *The Criminal Mind*. Fifth Isaac Ray Lecture, New York, 1958, pp. 104 *et seq.*, 109 *et seq.*

[12] John Reid, "Understanding the New Hampshire Doctrine of Criminal Insanity," *Yale Law Journal*, Vol. 69, No. 3, January 1960, p. 386.

[13] Sir Norwood East, *Society and the Criminal*, London, 1949, Chap. XIV.

[14] East, *op. cit.*, pp. 35 and 299.

[15] Barbara Wootton, *Social Science and Social Pathology*, p. 249.

bound by them, thereby often reducing the solemn judgment of the court to a mere farce.

(g) By requiring the defence to establish insanity the Rules depart without adequate reason from the fundamental principle of criminal procedure that the burden of proof is on the prosecution.[16]

(h) By restricting their application to the jury courts the Rules introduce a dual system of criminal justice, one for the more serious crimes and another for the less serious offences dealt with by the magistrates' courts.

This last point, of course, implies more praise than criticism since, as the Rules are so bad, it is all to the good that they are at least not applicable to the great masses of criminal cases. Moreover, recent British legislation has done much to improve the legal position. I can here only refer to certain provisions of the Criminal Justice Act of 1948, the Magistrates' Courts Act of 1952, the Homicide Act of 1957, and the Mental Health Act of 1959.[17] In particular the last-mentioned statute, which for the first time explicitly recognises the legal existence of the psychopath, which even gives a definition of " psychopathic disorders " and provides that mentally disordered and psychopathic offenders may be sent by the court to a mental hospital instead of being punished, seems to offer an opportunity greatly to reduce the iniquities of the M'Naghten Rules. The Homicide Act of 1957 is also of considerable importance in so far as it admits in the English law of murder the defence of diminished responsibility which has already been available in Scotland for over a century, with the effect that the penalty has to be reduced from that for murder to that for manslaughter and may, therefore, in suitable cases be a short prison sentence or even no " punishment " but only probation. On the other hand, here too the burden of proof for the existence of an abnormality of mind which " substantially impaired " the offender's mental responsibility is placed on the defence.[18] It is doubtful, moreover, whether this provision will be treated by the courts as

[16] On the burden of proof under the M'Naghten Rules, see Glanville Williams, *op. cit.* (above, note 9), p. 352 *et seq.*, and Hermann Mannheim, *Group Problems in Crime and Punishment*, London, 1955, pp. 287, 296–297.

[17] Criminal Justice Act, ss. 4 and 26; Magistrates' Courts Act, ss. 26 and 30; Homicide Act, s. 2; Mental Health Act, ss. 4 and 60.

[18] See J. E. Hall Williams, "The Homicide Act, 1957," *The Modern Law Review*, July 1957, pp. 382–383.

covering psychopathic disorders, and it is also regrettable that no provision whatsoever is made in the Act for the treatment of such abnormal offenders convicted of manslaughter.

Passing now to the world outside the M'Naghten Rules one can perhaps say that there is more uniformity between the various national legislations and recent drafts than there is diversity. It is true that some of the provisions, notably article 64 of the French Penal Code of 1810, the Cuban Code of Social Defence of 1936, article 35, and the Swedish Act of 1945 [19] simply refer to insanity, " démence " or " mental disorder " without trying to define their meaning and also without explicitly requiring any particular psychological effect, although the Swedish Act seems at least to require that the crime was committed " under the influence " of the mental disease, *i.e.*, a causal link between crime and disease. This method has sometimes been described as " purely biological." [20] It is also true that a few of the present legislations, again notably the French Code, do not mention the " non-sane non-insane " group and, consequently, make no provision for diminished responsibility. However, the strong link which unites most of the other legislations outside the realm of the undiluted M'Naghten Rules is, first, that they recognise the force of the irrational, emotional element, traditionally referred to as " irresistible impulse "; secondly, that they include mental deficiency and the " non-sane non-insane " group including psychopathy; and, thirdly, that they place the burden of proof on the prosecution. When I use the term " irresistible impulse " I am of course fully aware of its growing unpopularity and of the criticism made of it by the Royal Commission on Capital Punishment and by many psychiatrists, too.[21] Weihofen has called it " another example of the nineteenth-century penchant for using absolute terms as ' rhetorical flourishes.' " I am using the term not as a cut-and-dried legal formula but rather as a symbol of the " irresistible impulse " of

[19] On the Swedish Act of 1945, see Gösta Rylander, " Treatment of Mentally Abnormal Offenders in Sweden," *The British Journal of Delinquency*, Vol. V, No. 4, April 1955, p. 262 *et seq.*; Thorsten Sellin, *The Protective Code, A Swedish Proposal*, Department of Justice, Stockholm, 1957, p. 19.

[20] See Heldmann, *op. cit.* (note 8, above), p. 348.

[21] Report of Royal Commission on Capital Punishment, p. 109 *et seq.* and *passim*; Guttmacher in the American Law Institute's Model Penal Code Tentative Draft No. 4, Appendix B, p. 174 *et seq.*; Henry Weihofen, *op. cit.* (note 10, above), p. 66 *et seq.*; Philip Q. Roche, *op. cit.* (note 11, above), p. 179 *et seq.*

the human mind to shake off the fetters of a purely rationalistic dogma. In perhaps the majority of countries outside the English speaking world we have the corresponding phrase " inability to recognise the wrongness of his action or to act in accordance with his insight," or something similar,[22] and it is particularly significant that this phrase is also used in two of the most important recent European Drafts, the French " Avant-projet de Loi concernant les délinquants anormaux " of 1959 and in § 23 of the Western German " Entwurf des Allgemeinen Teils eines Strafgesetzbuchs " of 1958.[23] Again, I am not saying that there is complete unanimity here and absence of doubtful points. There are differences, for example, on the question of what kind of knowledge and understanding of the significance of his action the offender is required to possess: is it an understanding of its legal or of its moral meaning? The German Code says at present: " das Unerlaubte der Tat," whereas the new Draft proposes to say, in conformity with the Swiss Code: " das Unrecht der Tat." The French Avant-projet uses the formula: " le caractère délictueux," the Czechoslovak Code: " the dangerousness of his action to society," the Yugoslav Code says simply: " the significance of his action." The Belgian " Loi de défense sociale " of 1930 makes no mention at all of the intellectual element, but requires only the offender's lack of ability, as a consequence of his mental abnormality, to control his actions.[24] While such differences may well have some practical consequences in a limited number of cases, they can, however, hardly destroy the picture of uniformity to which I have referred.

Now, although I believe that this formula, so commonly used, " inability or impaired ability to recognise the wrongness of his action or to act in accordance with his insight " is on the whole an adequate expression of what we have in mind for the insane and for

[22] See, *e.g.*, the Argentine Penal Code of 1921, art. 34; the Bulgarian Code of 1951, art. 13; the Czechoslav Code of 1950, art. 11; the German Code of 1871, art. 51, as amended in 1933; the Italian Code of 1930, art. 85; the Soviet Russian Code of 1926, s. 11; the Swiss Federal Code of 1937, art. 10; the Turkish Code of 1926, art. 46; the Yugoslav Code of 1951, art. 6.

[23] On the French Avant-projet see the interesting and detailed analysis in *Les Délinquants anormaux mentaux*. Ouvrage publié sous la direction de Georges Levasseur. Introduction comparative de Marc Ancel. Paris, 1959; on the German Draft Entwurf des Allgemeinen Teils eines Strafgesetzbuchs mit Begründung. Bonn, 1958.

[24] Belgian " Loi de défense sociale à l'égard des anormaux et des délinquants d'habitude," art. 1.

the " non-sane non-insane " groups respectively, it has one weakness to which attention was drawn twenty years ago in the Report of a Belgian Commission set up to study the reform of the Act of 1930 [25]— a weakness which has often been felt but which legislators have so far found almost impossible to remedy. What I am aiming at is the fact that, according to the principles of criminal procedure, our formula has to be used explicitly in the judgments of the courts, in other words, the offender has to be told in the clearest possible language that he is regarded as a person incapable or only inadequately capable of controlling his actions. He arrives at the institution where he is supposed to receive his treatment and of course he feels in duty bound to live up to his official reputation, which may actually make him untreatable and a dangerous nuisance to the whole institution. The dilemma which we have to face is that, when framing our legislation for dealing with mentally abnormal offenders, we have not merely to solve an abstract scientific problem, but in addition we are addressing a public—in fact the widest possible audience, *i.e.*, the whole community—and a public, including the offender, which is just as incapable of understanding our formula in the way it is meant as the offender is incapable of controlling his actions. Is it perhaps preferable to tackle the problem from another end, from that of punishment, and define this category of offenders as " persons unable to be influenced by *ordinary* punishment " and, therefore, to be subjected to other measures? If I understand it rightly, this is the technique of the Danish Penal Code of 1930, articles 17 and 70; it is even more imprecise than the other formula, but it may give better practical results.[26]

A few remarks have still to be added on the rather involved and

[25] Commission chargée d'étudier la révision de la loi du 9 avril 1930 (Extrait de la *Revue de Droit Pénal et de Criminologie* 1940), pp. 10–11. In a somewhat different context, *i.e.*, for the application of arts. 14 and 15 of the Swiss Federal Penal Code, the psychological effect on the offender of the legal formula used by the courts has been stressed in the interesting article by the Swiss psychiatrist Professor Hans Binder, Psychiatrische Probleme gemäss, art. 14 and 15, Str. G. B., *Schweizeriche Zeitschrift für Strafrecht*, Vol. 74, No. 1, 1959, p. 70.

[26] From the Danish literature on the subject only the following may be quoted: Knud Waaben in his *Introduction to The Danish Criminal Code*, Copenhagen, 1958, p. 11 *et seq.*; Georg K. Stürup, " L'établissement pour psycopathes de Herstedvester," *Revue de science criminelle et de droit pénal comparé*, Nouvelle Série 1958, No. 3, Juillet–Septembre, p. 593 *et seq.*; and with special reference to the treatment of recidivists Stürup, Summary of Proceedings, Third International Congress on Criminology 1955, London, 1957, p. 201 *et seq.*

much discussed position in the United States. As previously stated and also mentioned by Dr. Guttmacher, the State of New Hampshire and the District of Columbia, which of course includes Washington, have rejected the M'Naghten Rules, the former already since 1870,[27] the latter only since 1954, when the District of Columbia Court of Appeal passed its famous decision in the *Durham* case. The essence of the New Hampshire rule, which owed its origin to the collaboration of an eminent psychiatrist, Dr. Isaac Ray, and a distinguished lawyer, Judge Charles Doe, and which has been repeatedly reformulated, is that, since no satisfactory legal tests of insanity can be found, only medical criteria should be used and that the decision should be left to the jury whether the accused suffered from a mental disease which had taken away his capacity to form a criminal intent. One can see that this doctrine has had a certain influence on the Royal Commission on Capital Punishment, whose principal majority recommendation [28] was also to leave the crucial question to the jury, a proposal which would make any consistent policy impossible because, as already stressed before, the jury cannot be trained.[29] The *Durham* rule, which in its turn was partly inspired by the proposal of the Royal Commission, states that " an accused is not criminally responsible if his unlawful act was the product of mental disease or mental defect," reminding us somewhat of the Swedish Act of 1945. This *Durham* decision has been under fire from various quarters, including Jerome Hall and the American Law Institute, who criticise in particular the vagueness of the term " product." [30] The American Law Institute's own Draft is essentially, I feel, a return to the European formula discussed before. It establishes irresponsibility if the offender " lacks substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of law," but it excludes the psychopath altogether from its scope and, unfortunately, it leaves the all-important question open who should bear the burden of proof.[31]

[27] On the history and meaning of the New Hampshire doctrine see the detailed account by John Reid (above, note 12). Also Weihofen, *op. cit.*, p. 4 *et seq.*, and briefly Report of Royal Commission on Capital Punishment, pp. 105 and 411.
[28] Report of Royal Commission, p. 276, under 19.
[29] See my *Group Problems in Crime and Punishment*, p. 298, also p. 239.
[30] Jerome Hall, *Studies* (above, note 5), pp. 288–289; American Law Institute's Tentative Draft No. 4, Comments, p. 159.
[31] Tentative Draft, pp. 193–194.

Of a different character is the Maryland Defective Delinquent Statute of 1951, which defines a defective delinquent as " an individual who, by the demonstration of persistent aggravated anti-social or criminal behaviour, evidences a propensity toward criminal activity, and who is found to have either such intellectual deficiency or emotional unbalance or both, as to clearly demonstrate an actual danger to society so as to require . . . confinement and treatment. . . ." [32]

To sum up this part of my discourse, many of you will have got the feeling that I have been spending too much of my limited time trying to unravel the mysteries of definition. I have done so because, after fifty years of watching this fascinating game—fascinating at least for those actively engaged in it—I have come to the conclusion that it is more or less futile. Certainly, some sort of a legal formula there has to be, and I am far from implying that when we try to establish that Common Market which I described as the ultimate object the type of goods to be offered in such a Market does not matter—it does. But far more important than an ideal definition of insanity and diminished responsibility, which we shall never achieve anyhow, is the harmonious co-operation between well-trained lawyers and psychiatrists, each of them willing to listen to reason and to play his own part instead of trespassing on the field of the other.

2. Assuming now that we have found a fairly satisfactory definition not only of insanity but also of the " non-sane non-insane " group and that we have placed the burden of proving the absence of any of these mental abnormalities squarely on the shoulders of the prosecution—which of course does not mean a legal presumption that every offender is abnormal but merely that a final doubt has to be resolved in favour of the accused—what else do we expect the criminal law to do in this field? In my discussion of these other problems I have to be careful not to trespass too much on the subjects allotted to my distinguished co-rapporteurs.

Naturally, there is, first of all, the question of the *legal consequences* of mental abnormality. Here we are no longer satisfied

[32] See H. M. Boslow, D. Rosenthal and L. H. Gliedman, "The Maryland Defective Delinquent Law," *The British Journal of Delinquency*, Vol. X, No. 1, July 1959, p. 5 *et seq.*

with a purely negative solution, *i.e.*, with an acquittal or something equivalent to it for insanes and with the " dosage " system [33] of " attenuating circumstances " for the " non-sane non-insane " ones, which has been so popular in most legislations and often means only that the more dangerous an offender is the less is done for and to him. Whether or not we have to retain these more lenient penalties for cases of " diminished responsibility " depends largely on the question of whether we prefer a single-track or a double-track system. If we prefer the former, the penalties will be altogether replaced by measures of security and treatment; whereas in the case of a double-track system using both penalties and measures we have to consider how to produce something reasonably coherent, balanced and efficient out of the two basically conflicting parts. What is the present position, and what are the trends for the future? Generally speaking, it seems that present-day legal systems are more willing to accept the single-track idea for mentally abnormal offenders than they are in the case of habitual offenders. This is only natural, since the insistence of public opinion on at least some sort of punishment is less strong where mentally abnormal offenders are concerned. We find, for example, in the Belgian Act of 1930 the single-track system adopted for abnormals against the double-track system for habituals. English law is on single-track lines for both habituals and abnormals, in the sense that the court cannot impose at the same time a penalty and a measure of security and treatment, but it is left to the discretion of the court which one to choose.[34] The Swedish Act of 1945, too, is on single-track lines. Some of the countries which still adhere to the double-track system try to avoid the undesirable cumulation of penalties and measures by employing the so-called " vikariierende " system, *i.e.*, the courts have to, or may, abstain from carrying out the penalty before the offender is sent to the appropriate hospital or other institution. This is the system used in Switzerland and Maryland, where it is mandatory, and also proposed in the German Draft Code where it is, however, left to the discretion of the court whether or not a prison sentence should be

[33] See Marc Ancel in his Introduction to *Les Délinquants anormaux mentaux* (note 23, above), p. XIII.

[34] For habitual offenders, Criminal Justice Act, 1948, s. 21; for abnormal offenders, Mental Health Act, 1959, s. 60.

carried out before the measure.[35] If this is not done, the question remains whether it has to be carried out after the offender's discharge from the hospital, etc. This can actually be done in Switzerland and Maryland and under the German Draft Code, although the time spent in that institution has to be, or can be, deducted from the prison sentence. Of special interest is the discussion of this question in the very important recent French symposium, edited by Professor Georges Levasseur and introduced by M. Marc Ancel, *Les Délinquants anormaux mentaux*. Here the single-track system has been adopted, though apparently with slightly varying degrees of enthusiasm by the different contributors.[36] The editor himself, while accepting this system, takes the view that even with regard to " non-sane non-insane " offenders, *i.e.*, the " délinquants anormaux " of the Avant-projet, the idea of moral retribution is not entirely out of place and that most measures of security and treatment could well be combined with a penalty, a combination which, however, should not mean a mechanical succession in time of penalty and measure but rather an organic fusion of both. This leads to the conception of a " medico-repressive " régime for this category, which actually appears in article 29 of the Avant-projet and is fully discussed by several contributors to the symposium.[37] As a formula, this seems to be admirable, provided it does not mean subordinating the psychiatric aspects altogether to the repressive ones and also provided we recognise with Levasseur that it poses more problems than it solves—for example, how far should the law applicable to this mixed régime be moulded according to penal and how far according to medical considerations? I am confident that the practical experiences collected over the past twenty-five years in institutions such as Herstedvester, Utrecht, Rheinau in Switzerland, Belmont and Wormwood Scrubs in England and similar ones, supplemented by the discussions of the present Congress, will offer some guidance on these problems. Moreover, the law should also make provision for the

[35] Swiss Federal Penal Code, arts. 14 and 15; Maryland Defective Delinquent Law, § 9 (b); German Draft Code, §§ 24, 86, 93, 94, and the "Begründung," pp. 84, 93–94. On the Swiss reform project, see Erwin Frey, *Internationales Colloquium über Kriminologie und Strafrechtsreform*, Freiburg, 1958, pp. 27–28.

[36] Georges Levasseur, *Les Délinquants anormaux mentaux*, p. XII (Marc Ancel), Levasseur, p. 6 *et seq.*; Germain, p. 114 *et seq.*

[37] See, *e.g.*, Levasseur, p. 25 *et seq.*; Vullien-Dublineau, p. 66; Germain, p. 120.

treatment at large on probation for suitable cases, and it is encouraging that article 32 of the Avant-projet, following the example of recent English and German legislation, and in conformity with a Swiss Draft,[38] permits probation with medical and social treatment, limited, however, to cases of " délit."

I am now finally passing to one of the most intricate problems of our subject, the extent of *judicial control* of the measures applicable to mentally abnormal offenders. It is here that we can observe certain differences between Great Britain and other countries in that the principle of judicial control is more strictly adhered to in the latter.[39] Although the language of the English Mental Health Act, 1959, is so extremely involved that one hesitates to make any categorical statements at all, it seems to me that the powers here given to administrative authorities, notably the Secretary of State and the newly created Mental Health Review Tribunals, are more extensive than the powers allotted to such authorities in other legislations or recent Drafts.[40] In part, this contrast finds its outward expression in some Continental countries in the existence of a special court or judge, such as the " juge de l'exécution " of the French Avant-projet, which contains particularly detailed provisions on the subject, or the German " Vollstreckungsgericht." [41] The Belgian Act of 1930 provides for mixed Commissions composed of lawyers and one psychiatrist, and the position seems to be similar in Sweden.[42] The French Draft, art. 59, leaves even the choice of the institution to the court and any subsequent change to the juge de l'exécution, and M. Germain, while calling this a " revolutionary innovation," thinks that it will be welcomed by the administration.[43] Personally, while I am in favour of strengthening judicial control in this field—always provided the judges are well selected and trained for the job—I do

[38] Criminal Justice Act, 1948, s. 4; German Penal Code, § 24 (1 No. 3) and Draft Code, § 78 (2). See the brief account by Dr. Michael Craft, *The British Journal of Delinquency*, Vol. X, No. 3, January 1960, p. 222 *et seq.*, on a " Psychopathic Unit " for delinquents on probation sent there by the courts as a condition of their Probation Order. Craft stresses that " neither labels of psychopath or of defective are welcomed by patients who are more prepared to enter a hospital with a Special Training Unit."

[39] Germain in Levasseur, p. 127 *et seq.* On the Swiss Draft, see Frey, *loc. cit.*, above, note 35, p. 27.

[40] See Mental Health Act, 1959, ss. 65, 66.

[41] French Avant-projet, Chap. V; German Draft, §§ 86, 93, 94, 96, 97.

[42] Belgian Act of 1930, Chap. III; on Sweden see Sellin, *op. cit.*, pp. 19–20.

[43] Germain in Levasseur, p. 119.

not think that the choice of the institution should be left to the court. In Britain in particular the whole trend of developments has been in the opposite direction, and the last traces of judicial selection of institutions have been abolished or will soon be abolished either by law or by practice.

One word only about provisions for the compulsory detention of mentally abnormal persons not yet convicted of crime, but regarded as dangerous. While the English Mental Health Act gives certain powers of detention for such persons, the French Avant-projet rejects them.[44] To do justice to the considerations involved one would have to enter into a full discussion of the concept of " social defence," for which there is no time.

In fact, I have already exceeded the span of time allotted to me, but even so all I have been able to do is briefly to touch upon a few problems of a vast subject. I should like to conclude, as I began, with a few observations of a general nature. First, in the light of past experiences we should make sure that in our enthusiasm for reform we should never produce new legislation which permits the application of far-reaching measures, in particular long-term detention, without first making sure that the desired facilities for treatment are actually available. Secondly, in my introductory remarks I referred to the need for a " Common Market " between lawyers and psychiatrists and also for international discussions of common problems. In the course of this lecture I have repeatedly mentioned recent legislation and Drafts in some of the principal European countries, such as the French Avant-projet and the English Mental Health Act of 1959, which latter was preceded by the very elaborate Report of a Royal Commission.[45] Surely, a recurrent exchange of ideas between those actively engaged in these great and simultaneous enterprises might have been most fruitful, but here, too, the barriers of tariffs and customs have been still too high, it seems, to establish a real " Common Market."

[44] Mental Health Act, 1959, s. 44; Marc Ancel and Levasseur, *op. cit.*, pp. XXVI *et seq.* and 11.

[45] Report of the Royal Commission on the Law relating to Mental Illness and Mental Deficiency 1954–57, London, H.M.S.O., 1957.

WOMEN DRINKERS ADMITTED TO HOLLOWAY PRISON DURING FEBRUARY 1960*

A PILOT SURVEY

MOYA WOODSIDE (*London*) †

A PRELIMINARY inquiry made in December last year showed that a very large number of women are sent to Holloway for offences connected with drunkenness (283 in the twelve-month period January 1 to December 31, 1959). It was known that this was to some extent a " stage army," since many of the women had repeated convictions. Nevertheless, admissions of this magnitude appeared to preclude the long-term intensive psychiatric and social study required for proper ascertainment of addictive and compulsive drinkers. A small " pilot " survey was therefore undertaken for one month, with a view to throwing light on the characteristics of women commonly referred to in prison as " habitual drunkards " and assessing their suitability for any kind of treatment.

Composition of sample

During February 1960, twenty-six individuals were admitted to Holloway on charges connected with drunkenness. Three women came in a second time during the month; two paid fines and left before they could be interviewed. Only one refused to co-operate in the survey (considering that most were hostile and suspicious when first approached, co-operation was better than expected).

The charges on which they were committed were as follows:

" Drunk "	13
Drunk and disorderly	11
Larceny	1
Malicious damage	1

* This paper is published with the consent of the Prison Commissioners, but does not necessarily represent their views.

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Associated charges were forfeiture of recognisances (three cases), one case each of assault, breach of probation, prostitution and soliciting, indecency, insulting behaviour, contempt of court and wilful damage.

Courts and sentences

The catchment area of Holloway prison comprises not only the County of London, but eighteen counties in Southern England. Of the women in the sample, nineteen had come in from Metropolitan Magistrates' Courts, two from Middlesex, and the remaining five from courts in the provinces (Reading, Portsmouth, Luton, etc.). Sentences were mainly short: five of 7 days and seven of 14 days (this accounted for almost half the sample). Eight women had a month, two had 2 months, one (on the charge of larceny) had 6 months. Three were remanded under section 26 of the Magistrates' Courts Act, 1952, for a medical report.

Age and occupation

Age distribution in the group was as follows:

10–19:	2
20–29:	3
30–39:	3
40–49:	12
50–59:	4
60–69:	2
	26

The marked preponderance of older middle-aged women accords with the statistical findings in the Prison Commissioners' Report, 1958 (Appendix 8, Table 11).

Unskilled domestic and catering work were the commonest occupations of these women. At the time of admission many were unemployed or had only been in casual short-term employment: the last paid work they had had was recorded as their usual occupation. Distribution was as follows:

Domestic worker	9
Kitchen hand	3
Waitress	3

Factory work	2
Cleaner/office cleaner	2
Shop Assistant	1
Tailoress	1
Cashier	1
Nurse (S.R.N.)	1
Shorthand Typist	1
Canteen Assistant	1
Housewife	1
	26

Social Class analysis shows a heavy weighting at the bottom of the scale, *viz.*:

R.G. Social Class I	0
II	1
III	6
IV	4
V	15
	26

The Social Class III assignment included those who said they were waitresses. This, in the prison setting, is often a fictitious cover for living by prostitution.

Marital status

It is hardly to be expected that chronic alcoholics would lead happy married lives, and this proved to be the case.

Single	:	5
Married	:	3
Separated	:	12
Divorced	:	3
Widowed	:	3
		26

Three were cohabiting at the time of the survey, two reported such a relationship in the past. No figures are available which would enable this distribution of marital status to be compared with the prison population as a whole, but the high proportion of " separated " may well be specific to an alcoholic group. A similar finding was reported by Glatt from his treatment unit at Warlingham.[1]

[1] Glatt, M. M., *Lancet*, 1959, 2, 387–398.

Place of birth and present address

Only two of these women had been born in London. Thirteen were born in counties outside London (including four in the North of England), four were from Scotland, three from Wales and three from Eire, one from Northern Ireland. More than half the group, therefore, was made up of an immigrant population.

The address from which they came into prison was usually that of some transient abode. The majority lived in lodgings; only two had a settled home.

Lodgings (a) in London	10
(b) elsewhere	5
No fixed address	6
Hostel in London	3
Own home in London	1
Own home elsewhere	1
	26

Six of the ten who came from lodgings in London gave an address in the Paddington area.

Previous convictions

All twenty-six women had had previous convictions. In computing these, account was taken of fines and probation, of approved school (two cases), and of all types of offence, not only those connected with drink. Some of these women had astronomical numbers of convictions recorded: one had 131, another 129, another 108; one had 65, another 60 and seven had more than 40.

A similar situation was found with regard to prison sentences: twenty-three of the twenty-six had been in prison before, one of them 32 times (in ten years). Five women had served sentences 29, 28, 27, 26 and 21 times respectively; an additional seven had served between 10 and 20. Many could be described as "in-and-outers," being discharged one week and coming back the next, or even within a few days. (Of the twenty-six individuals admitted during February, no less than ten reappeared on another charge during March and one of them twice.) Some of these women told the interviewer that in recent years they had spent more time *in* prison than out.

Intelligence level

Data, not always comparable, were available from various sources: reports to court, probation officers' reports, assessment by prison psychologists, etc. Ratings were complicated by the fact of deterioration, *e.g.*, some women still gave an " average " performance on the vocabulary tests, but only achieved " dull " on the matrices.

An I.Q. was stated in six cases: 90, 88, 82 (twice), 64 and 60. Assessments for the remainder of the group were as follows:

Very Superior	1
Superior	2
Good Average	2
Average	8
Below Average	4 (includes 1 semi-literate)
No data	3
	20

In sum, twelve of the group were of average intelligence, three were superior, and eight below average. Age and deterioration did not make this a promising group for sustained co-operation in treatment.

State of health

As might be expected from their mode of life, few of these women were in good physical condition. Neglect, dirt and venereal infection had taken their toll. At the medical examination on reception into prison it had been noted in eight cases that the woman was in " poor " or " very poor " health. Only one of the entire twenty-six had a positive statement recorded about her health being " good." Treatment, past or current, for venereal disease was recorded in six cases (this is likely to be an under-estimate of incidence in the group). Five had been infested with lice or nits. Six suffered physical deformity or handicap such as squint, tubercular arthrodesed knee, alopecia, loss of vision in one eye, congenital malformation of foot, etc. Bad teeth or an edentulous condition were common, as also references to anaemia, " stomach trouble," past illnesses and operations. With the exception of one or two of the younger ones, these women had long since lost whatever attractiveness they may have possessed and were indeed a battered and bedraggled bunch.

Psychiatric disorder was marked, and may be even more frequent than was apparent, since not all mental hospital admissions would necessarily come to the knowledge of the prison doctors. Nine women had been in observation wards and mental hospitals, some as certified patients and some on several occasions. Four were known to have attempted suicide, three were taking drugs (Dexedrine, Preludin). Two had been diagnosed as " psychopathic," and seventeen had a diagnosis of " chronic alcoholic." Other indications of instability were illegitimate children (five cases), and absconding from Approved School (two cases). Only three women had nothing abnormal recorded about their mental state.

In such an unstable handicapped group, it was not surprising to find that seven had refused treatment for alcoholism, and that self-discharge from hospital or institution was common. Their average stay in prison was far too short for any kind of psychiatric treatment to be attempted (other than nursing during attacks of D.T.s—infrequently seen nowadays at Holloway).

Preferred drink

No clear-cut distinction emerged between beer and spirit drinkers. Some women drank both, others said they drank whiskey when they could afford it, or when someone stood them a glass. Several of the V.P. wine drinkers said they did not take anything else, but this may have been an enforced preference due to cheapness of the drink.

Of the twenty-three women who were interviewed, spirits heads the list by frequency of mention:

Whiskey	10	14	V.P. wine	5
Gin	3		Barley wine	2
Rum	1		Nil special	1
Guinness and stout	7	12		
Beer	5			

The impression was gained that the V.P. wine drinkers were at the nadir of social degradation and hopelessness. One of them, who had a deplorable history of violent behaviour, convictions for larceny, expulsions from hostels, vagrancy, etc., admitted that V.P. wine, which she drank, " like lemonade," tasted " nasty," but half a bottle

only cost 3s. 6d. and " you get a great kick out of it." Another attributed an earlier " nervous breakdown " to drinking this beverage, which she said was full of " merrylated spirits." (This patient was re-admitted to the prison hospital in March suffering from an alcoholic psychosis. She had drunk three bottles of methylated spirits shortly after her discharge the previous week.)

In general, the group appeared to drink for effect rather than taste. Anything would do, so long as it produced a feeling of euphoria (described by one as that " I just don't care-ish " mood). Only one woman, still socially presentable and with no previous prison sentence, announced an exclusive preference for Canadian Club whisky. She was plied with this by American servicemen in the clubs she frequented.

Reason for drinking

When asked *why* they drank, and when they had started, the women in the sample were variously baffled, amused, inarticulate or vague. Those who could express themselves tended to relate the onset of their addiction to the break-up of their marriage or some other socially-acceptable reason, such as worry, depression, loss or lack of a home, etc.; but one suspects that, more often than not, these " reasons " were the consequence rather than the cause of their alcoholism.

The reasons, listed by frequency of mention by the twenty-three women interviewed, were as follows:

Marital trouble	11
Homelessness	9
Depression	9
Loneliness	6
No work/difficulty in finding work	4
" Company "	3
Likes it	2

Other factors obtaining one mention each were insomnia, trouble with the landlady, unhappy childhood home, son in mental hospital, ill-paid work, death of child in accident, etc. Only one, who had once had treatment at an institution for alcoholics, said " It's an illness. There's nothing you can do about it." She continued:

" When you're used to drink you don't feel normal without it. It's the only time I feel happy. Life is awful when you're sober. After a couple of drinks you wonder what you were worrying about. Your worries all disappear. But next morning, you have to face them again, and with a hangover. The only thing then is to go and get another drink." Someone else says how she's " different " after a drink. " You feel on top of the world. Before that, you're a tramp, have dirty clothes, see people looking at you on the bus. After you drink, you don't care." " Loneliness has a lot to do with it " says a 32-year-old machinist from Glasgow, who lives in lodgings in Pimlico and is unemployed. She wishes she could meet " a fellow," have someone to look after her, keep her out of trouble. But " true friends are hard to find in this world. . . ."

This woman, with forty-three previous convictions, was explosive, hostile and paranoid at the start of the interview. But towards the end, reflecting aloud in a quiet thoughtful way on why she drank, she said: " It's at the back of your mind. You get to thinking. Maybe you didn't have a chance when you were younger to live the kind of life you'd like and that you think you should have had. You know you're getting older, and you know it's not likely you'll get that sort of life now." Others depicted their difficulties and disappointments in equally moving terms, revealing what appeared to be a " moment of truth " in their hardened deteriorated selves.

Attitudes of defiance were also present. " I could stop drinking tomorrow if I wanted. But why bother? I'm as well off in prison as outside. I've nobody belonging to me—no husband or family. I'm past caring " (32 prison sentences). " Nobody can stop me drinking. When I get out, I'm going to drink as much as I like and smoke as much as I like " (19-year-old Borstal recall). " I like drinking. All my family drink. I don't think I'll ever stop " (21-year-old waitress). " I only drink occasionally—I'm not an alcoholic " (26-year-old waitress). A 36-year-old typist with 21 prison sentences says she doesn't want to give up drinking and has no intention of stopping. She is " miserable " without drink.

There is no doubt that the loneliness and misery consequent on their social isolation drove many of these women to seek the only " company " they knew, that of the pubs. However optimistic

their resolve when they leave prison (" It's finished now. Never no more." " This will be the very last time "), when they face the cold realities of finding somewhere to live, applying for National Assistance, finding a job, habit and weakness make it all too easy to slip back into the old familiar groove. One of them described the sequence as follows. After her last discharge " I did manage to stay sober for a solid week. But then I went on the booze again." She got a room, got a part-time job, attended a couple of A.A. meetings. But then, " you meet friends, they ask you to have one. You say you're on the wagon, they laugh at you, say ' don't be silly.' You don't know what to do—you walk about, get past one pub, see another, hesitate, weaken and go in."

The social factor in recidivism was clearly brought out by one of the prison doctors in her report on a 69-year-old widow with 16 sentences for drinking. " Mrs. A. apparently took to excessive drinking many years ago, but during the last ten years gave it up whilst she was housekeeping for a man of whom she was fond. Since his death last year she has been lonely and unhappy and has started drinking heavily again. . . . She seems to present mainly a social problem. If she could find somewhere settled to live with regular meals and companionship she might cease to feel the need for drink and might manage some part-time work of a simple nature." Although certain psychiatrists, notably Wertham,[2] see the recidivism of chronic alcoholics in terms of a psychopathologically-motivated " flight into custody," the social situation of many of these older women, such as Mrs. A., could be held sufficient to explain their inability to remain long out of prison.

Attitude towards treatment

The treatment experience of the group was limited. On a previous occasion, three had been sent from prison to an alcoholic unit or institution for treatment (one of them twice). Two had taken their own discharge before completion of treatment. Others had failed to keep out-patient appointments arranged for them at psychiatric clinics. Seven had refused the opportunity of treatment when offered. Only two reported any contact with A.A. (broken

[2] Wertham, F., *The Show of Violence*, New York, Doubleday & Co., 1948.

off after attendance at one and two meetings respectively). None, at interview, said they wanted to stop drinking (though assertions were made of ability to do so, should they wish or think it worth while).

Most were defeatist about the possibility of cure, and expressed themselves in resigned or fatalistic terms. " You can't be cured. It's your own will-power. It's one of the oldest vices. There isn't any treatment that's any use. You may go off for a bit; but if you get worries then you go back on " (age fifty-three, 25 prison sentences). " Being cured? I've given it up as a bad job. I'm a dyed-in-the-wool drunkard " (age fifty-five, 11 sentences). " I just take life as it comes. Almighty God is looking after us. I've no time for hospitals " (forty-eight, 8 sentences). " It's no good unless you've got it in you " (*i.e.*, the resolve and wish to give it up) (forty-seven, 12 sentences.

Others were sceptical and contemptuous. They cited other " girls " they'd known who had been at a treatment institution and were " back on the drink, no different." " It's a waste of time." They mentioned fellow prisoners who had been " to one of these places," and reappeared in Holloway almost immediately after (this is unfortunately true). Some women attempted to deny or gloss over their alcoholism, giving plausible or evasive explanations to account for their convictions. On the whole, this group of prison drinkers seemed too deteriorated and lacking in incentive for any treatment programme to be successful—a situation which, as their comments show, they dimly recognised themselves.

Attitude to police, courts and prison

However taciturn on other topics, here the flow of paranoid reminiscence was hard to stem. This hardened group of women, with so many convictions and so much police-court experience, were vocal in their accusations of injustice and unfairness. The general view was that " the police pick on you " once you're known, whether you are really drunk or not. " They haul you in. There's no chance with your word against theirs." " They know you. They pick you up even when you're not doing any harm." " It's definitely persecution." Several referred to alleged class distinction in the handling of this offence. " Those West End drunks—*they* get taken upstairs to

sleep it off. You don't find them in Holloway." The sample were knowledgeable about the London magistrates, having appeared before most of them in the Metropolitan courts. They expressed preferences for those whom they considered " fair " or " kind," and had similar preferences (or dislikes) for the many Probation Officers of their acquaintance.

Prison itself was accepted as an apparently inevitable punctuation of their mode of life. Some even regarded it as a refuge (" I'm as well off in prison as outside. Get a bed and regular meals ") which compared not too unfavourably with the hostels and lodgings they knew. But there was much criticism of the " uselessness " of prison sentences, in relation to effecting cure or reform. One woman, with a fifteen-year history, says: " They keep on bunging us in here. It's no use. You just get you don't care any more. Why don't they do something for us? " Another (fifteen sentences) says: " It doesn't do us or anybody any good, putting us in here " (she added, humorously, " they'd never be able to run the place without us. We drunks are the hard workers "). This reputation for industry is confirmed by the prison staff. A chatty little Irishwoman (27 sentences) tells how she " was only out two hours " after her last discharge before she was " picked up " by the police and came back again. " I'm doing my prison the hard way " she says. All these short sentences on top of one another—you never get any of the prison long-term privileges such as classes and " association."

These women, deteriorated, often mentally unstable, and with repeated comment in their prison record about being aggressive, abusive, irritable, " anti-social," etc., can scarcely be regarded as reliable witnesses of their contacts with authority. But they speak the bitter truth when they refer to the " uselessness " of prison sentences to help them change their ways.

Hostels and lodgings

Only two of the twenty-six had a normal home. The remainder, who might once have enjoyed a settled, family life, were now reduced to a round of furnished rooms, Church Army or L.C.C. hostels, or even " sleeping rough " in the open. It was rare to hear a good word said of the hostels, yet at the same time one of the most frequent

complaints was of the difficulty of getting in, or of being allowed to stay. Several women reported they'd been " put out " of hostels; others alleged that hostels " won't take " people if they know they've been in prison. " You have to run around from one to the other to see where you can get in," for (they explained) until the applicant can give evidence of an address, she cannot obtain a grant from the National Assistance Board.

Again and again, reference is made to the difficulty of having no proper place to live, and how this impedes efforts at rehabilitation. " If I had a little room to go home to. . . ." " The whole trouble is a home " (*i.e.*, lack of one). " I think I'd pull up if I had somewhere to live." One of the younger women, separated from her husband, with her little boy boarded elsewhere, told how she lived in dreary comfortless lodgings " in a place of low repute." She got so depressed and miserable in the evenings that she took to going out to bars where there were lights and company. " We've nowhere to go." " ' They ' should have a hostel for people like us coming out of prison " says another of the homeless, with many convictions.

The alleged reluctance of hostels to accept these women is understandable, in view of their known alcoholic behaviour and their erratic work record. But if, for one reason or another, they cannot obtain admission to a hostel, have insufficient funds to pay in advance for a room, and accordingly cannot give an address to the Assistance Board, they have no recourse but " sleeping rough," cadging food and drink, or committing some act (such as breaking windows) which they know will bring them back to prison again. " The poor things—what else can they do? " as one of them exclaimed in accents of compassion and self-pity. In fact (as most were well aware) shelter was available at the L.C.C. Reception Centre for the homeless and, had they so wished, arrangements could have been made for them to go there on discharge. But, the Prison Welfare Officer reports, the Centre is unpopular with these women and " they nearly always refuse to go."

Criminal records and criminal associates

Drinking was only one aspect of the criminality of this prison sample, loaded as it was by social failures drawn from the subculture

of a large city. Prostitutes and thieves, violence and vagrancy, receiving and child neglect: all were represented. A study of their records showed that fourteen women out of the twenty-six had convictions for larceny, some of them repeated. Twelve had convictions for prostitution, again with many repeated offences. It seems as though a number of these derelict " drunks " were the failed prostitutes, those who did not manage to get out while alternative occupations were still open to them, and who gradually drifted down to their present hopeless level.

An aggressive temperament, likely to be exacerbated by alcohol, led others into constant trouble. Five women had convictions for wilful damage (often repeated), five for assaulting the police. There was one conviction for causing grievous bodily harm. This aggressive behaviour could flare up even in prison: there were notes of these particular women being " on report " for disobedience, bad language, striking other prisoners, etc. Older women who had experienced the unemployment of the 1930s had convictions for begging (four) and wandering abroad (two). Two girls, each aged nineteen, had been living promiscuously. In three instances, another member of the woman's family had a known criminal record.

Close links with the underworld are shown in this police report on one woman (age forty-five, 11 prison sentences):

> " An active prostitute who specialises in stealing from her clients. Known associate of male criminals, mainly of Southern Irish origin. Left husband, then cohabited. First conviction in Limerick for neglect of child, in 1948. Since then, stealing, house breaking, receiving. She was adjudged ' unfit for corrective training ' by the Prison Commissioners."

Another recidivist (age forty-one, 12 sentences) exhibited a similar constellation of charges: prostitution, wilful damage, begging, false representation, wilfully ill-treating child, wounding, assaulting police-constable. She is separated and cohabiting with a man who has also been in prison, and has no fixed address. However, evidence from the records shows that the active criminality of these women tends to decline with advancing age, leaving a residue of drunkenness and general social inadequacy.

Discussion

The findings of this limited study suggest that women alcoholics found in prison are a highly selected group. Those coming into Holloway resemble in many respects the vagrant and disordered patients admitted to an Observation Ward; indeed, it is often a matter of chance into which institution these women are received. As a group, they are characterised by mental instability, dimmed intelligence, physical handicap; by poverty, social isolation, and delinquent background. There is an over-representation of immigrants from other areas. The repetitive nature of the offence, and its increasing frequency as the offender grows older, shows the ineffectiveness of penal measures (fines, probation, imprisonment) in bringing about reform. This ineffectiveness has been critically discussed by at least one concerned magistrate, in a study of sentencing policy.[3]

The younger drinkers in this Holloway sample, for whom more hope might be held out, already carried a bad prognosis by reason of psychopathy, low intelligence and persistent delinquent behaviour. Only five of a total of twenty-six appeared as though they might profit from treatment, assuming they could be brought to see the need. Two of these were women on remand for a medical report. They were aged forty-five and twenty-one, both of superior intelligence, and without previous prison sentence; but offsetting these favourable factors was an attempted suicide (with a " problem family " background) by the younger, and a mental hospital admission (with self-discharge) by the older. Two others, forty-one and twenty-six, of average intelligence, had one sentence each. One, divorced, had a good social background, and was the only professionally trained person (a nurse) in the group. She had relapsed from treatment once, but might have persevered if her social difficulties had been less overwhelming. The other, younger, woman also had a very adverse social situation, which was likely to militate against perseverance in treatment. The fifth potentially suitable candidate for treatment was aged thirty-nine, of average intelligence, with one previous sentence for larceny. According to her evidence, she was a

[3] Page, L., *The Sentence of the Court*, London, Faber and Faber, 1948.

spasmodic drinker whose " bouts " coincided with moods of depression, and for which she had earlier had a three-month period of treatment in a psychiatric in-patient unit. She too existed in a socially-disorganised way, separated, friendless and without fixed address.

It seems doubtful whether any of these women could be effectively reached by A.A. Even the more hopeful subjects lacked incentive, and (with one exception) lacked the support of a normal settled home. When hospital care is considered, a major difficulty in securing in-patient treatment is that few of the women, even those with a history of psychotic illness, are actually certifiable on their appearances in prison. They may be persuaded to accept admission on a voluntary basis, but rarely stay as long as desirable (if indeed they do not discharge themselves within a few days). It can be said of prison sentences that at least they enforce a period of total abstinence, provide a bed and regular diet, and a minimum of medical care. (In this respect the patient from Social Classes IV and V perhaps enjoys an involuntary advantage over those from Social Classes I and II, who rarely suffer such restraint in their drinking careers.) But constructive reclamation of the type of drinker found in this Holloway Prison sample (if such reclamation be possible) poses problems of social control.

It would be inappropriate to draw conclusions from the limited evidence and experience of this small survey. Yet one cannot help but feel that there is a need for some long-term institution, other than prison, where all measures of treatment would be provided for those who could benefit, and a kindly form of preventive detention for those who could not. Such institution, psychotherapeutically oriented, could perhaps be a contemporary version of the long-defunct Inebriate Reformatories. An immediate, practical experiment might be the setting up of a special hostel for these homeless women, on the lines of the Norman House After-Care Scheme for Offenders. It would then be possible to see whether such refuge and security brought about that modification of their alcoholic behaviour which so many of them believed would follow on having " a home."

CURRENT SURVEY

RESEARCH AND METHODOLOGY

CURRENT RESEARCH LXXIII

(*Continued from Vol. I, p. 167.*)

A FOLLOW-UP STUDY OF SEXUAL OFFENDERS REFERRED TO A FORENSIC OUT-PATIENT CLINIC

(1) *Name of University Department, Hospital or other Institution or private person supplying the information*: Toronto Psychiatric Hospital, Forensic Out-Patient Department.

(2) *Subject of Research*: A documentary follow-up of 135 cases of sexual offenders (54 exhibitionists, 55 pedophiles, 26 homosexuals), referred by the courts for diagnostic and treatment purposes between April 1956 and August 1959. Approximately two-thirds of these cases received treatment and personal follow-up will be conducted on those who have terminated their treatment before August 1959 (55 cases). In addition a detailed analysis of data collected by the Clinic on these offenders will be conducted. The purpose of the study is to provide information on (a) the relationship between treatment and recidivism; (b) the influence of treatment on symptomatology, personal and social well-being of the offender; (c) common characteristics of the various symptom groups.

(3) *Under whose auspices is the research being carried out?* University of Toronto, Department of Psychiatry, with National Health Grant # 605-5-276. Department of National Health and Welfare, Government of Canada. *Director*: R. E. Turner, M.D., D.Psych. *Research Workers*: J. R. B. Ball, M.B., D.P.M.,* and J. W. Mohr, PH.D.

(4) *Commenced*: April 1960. *Completion expected*: 1961.

(5) No publication so far.

CURRENT RESEARCH LXXIV

RECIDIVIST AND NON-RECIDIVIST JUVENILE DELINQUENTS

(1) *Name of University Department*: Sub-Department of Sociology, University of Exeter.

* On leave of absence. University of Durham, Dept. of Psychological Medicine, Royal Victoria Infirmary, Newcastle on Tyne, United Kingdom.

(2) *Subject of Research*: Juvenile delinquents and recidivists who commit serious property offences and come before the court for the first time. Boys of 11 to 14+ in the County of Devon are alone considered. Probation officers and schools are supplying information to permit a study of the factors associated with the delinquency. It is hoped to follow up the future of these lads in three years' time in order to distinguish those who return to court. A comparative study of recidivist and non-recidivist groups will then be carried out.

(3) The study is being undertaken by Miss M. P. Callard.

(4) *Commenced*: September 1960. *Completion expected*: 1964.

(5) No publication so far.

PSYCHOPATHIC PERSONALITIES: A REVIEW OF DIAGNOSIS, AETIOLOGY, PROGNOSIS AND TREATMENT

MICHAEL CRAFT *

A REVIEW of current literature on the psychopath seems timely in the light of current discussion and proposed treatment in psychopathic units (*Hansard* 1959). To attempt to clarify what others meant by this term some 200 references were searched and the following formulation evolved for use in later parts of the review: psychopaths appeared to be regarded as those who had committed offences against the community which were part of a non-psychotic psychiatric syndrome which itself stemmed from a long standing behavioural pattern, with or without measurable intellectual deficit.

Even the terms in this formulation have to be explained. The term "offenders" was usually applied to those guilty of violence or thefts, but a number of authors extended the phrase to include those inadequate individuals with dependency reactions who take advantage of community resources. Most authors [1] were agreed that psychopaths were not suffering from a psychosis, but there was little agreement as to syndromes described. The psychopath was felt to have a disorder of mental function, more commonly part function than total function of the mind, although in certain excited episodes of psychopaths the latter might occur. Overt symptoms by way of complaints by the patient might be present, particularly in the inadequate. Authors more commonly note clinical "signs" which had to be evaluated in terms of degree of deviation from community norms or standards of maturity. In order of frequency noted by writers,[1] signs attributed to psychopathic syndromes were:

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[1] To avoid repetition the main references used at this point are marked in the bibliography with an asterisk.

(1) An affectionlessness, or lack of relation to others.
(2) Disregard of community or group standards with antisocial behaviour on a verbal, acquisitive personal or sexual plane.
(3) Apparent absence of guilt feeling and failure to learn by punishment.
(4) Emotional lability and immaturity, leading to short circuit reactions with immediate pleasure, satisfaction or unpremeditated violence.
(5) A lack of foresightedness.
(6) Continued sexual experimentation, immaturity or aberration.
(7) Undue dependence on others.

Evidence for the remaining part of the formulation "long standing behaviour disorder with or without intellectual deficit" has been given before the Royal Commission and this phrase is now included in the Mental Health Act, 1959.

The diagnosis of psychopathic personality is little helped by ancillary methods. Although psychopaths are recognised as extreme deviants from the norms of community behaviour, there is insufficient agreement amongst psychologists as to the measurement of dimensions of behaviour to be dependable (Eysenck 1959). Ellingson (1954) summarised electroencephalographic findings by saying that "the incidence of E.E.G. abnormalities among psychopaths has been found with remarkable regularity to be between 47 per cent. and 58 per cent." "In two studies control groups were used, the difference between abnormality for psychopaths and controls both being significant ($P < .001$)." "The most commonly observed abnormality is moderately slow activity, but very slow and paroxysmal activity are also seen more often than among normals. The rate of E.E.G. abnormality tends to decrease with age and is significantly related to positive family history of neuropsychiatric disorders and positive personal history of severe illness or injury. No correlation has been found between severity of E.E.G. abnormality and severity of psychopathic illness. No consistent relationship between personality configuration and E.E.G. abnormality has been established within the psychopathic category except that aggressiveness tends to be positively correlated with E.E.G. abnormality, and homosexuality to have no correlation."

Aetiology can best be considered under the headings of genetic factors, brain damage and environment.

Genetic

Most papers find extreme difficulty in distinguishing between traits due to genes and due to early environment, usually due to the same parents. Where genetically similar pairs of monovular twins are available, there are few separated early enough to compare the effects of dissimilar environments.

Lange (1931), Rosanoff *et al.* (1934), Kallman (1952) and Slater (1953) provide the best known twins studies. Lange himself admits that it is not easy to

separate the environmental and genetic factors with twins, and notes that monozygotic twins are subject to greater similarity of environmental experience than dizygotic. The evidence from twins separated shortly after birth or later (Newman *et al.* 1937, Schwesinger 1952) does however suggest that either genetic or possibly environmental factors operating in utero or early infancy (Newman *et al.* 1937) are responsible for the remarkably close similarity in psychopathic traits and chronological date of anti-social actions later manifested. Further reviews include Roff (1950), Cattell (1953) and Goldschmidt (1953). Slater (1948), after reviewing the literature, felt that both genetic transmission and brain injury are the important determinants of psychopathic behaviour. In 1953 he concluded " that genetical factors play a considerable part in the development of personality but that the appearance of overt symptoms and the breakdown of adaptation are largely environmentally caused." He gives a further review in 1959.

Scandinavian workers have presented very comprehensive field studies on psychiatric genetics (Sjögren 1948, Böök 1953, Larsson and Sjögren 1954 and Essen Moller 1956). Sjögren gives detailed pedigrees showing the interrelationship of the mentally disordered in his population. Böök gives a fascinating account of an isolated Swedish community of 8,981. Two hundred and forty of the 364 psychotic and defective persons in 285 parent/child combinations could be consolidated into one pedigree complex derived from thirty-one ancestral pairs living about 1700–50. The results suggested that the appearance of a number of new cases of schizophrenia was either due to a high rate of genetic mutation, or with Slater (1959) that schizoid personalities carried a positive selective value, for their self-sufficiency and lack of need for social life are features likely to place them at a selective advantage in a lonely and rigorous environment. It is interesting to note the close relationship found between the defective and mentally ill.

Brain Damage

Lange (1931) and Rosanoff (1934) both cited brain damage as being responsible for the discordant sets in their twin pairs showing psychopathy. Others (Henderson 1939, Bender 1942) have noted the high incidence of brain damage and encephalopathy to be found among psychopaths. Those who have encephalitis do not necessarily develop psychopathy for Puntigam (1950) found none among fifteen persons thirty years after post-vaccinial encephalitis, and Essen Moller (1956) none among sixty-four adults who had had childhood meningitis and encephalitis. Mayer Gross *et al.* (1954) and Kennedy (1954) have recently described psychopathic traits following brain damage, and Stafford Clark *et al.* (1951) noted 54 per cent. of their criminal psychopaths to have had a past history of brain injury or epilepsy.

In 1937 Papez expounded the view that the hippocampus, hypothalamus, anterior thalamic nuclei and cingulate cortex constituted the mechanism for

the functions of emotional behaviour and expression. In general, recent authors agree with this theory but would include the temporal lobe, *e.g.*, Powell (1959) with a 74 reference neuroanatomical review, Corsallis and Meyer (1959) with a neuropathological review, Nielsen (1956) and Milner (1956). Hill (1951) found that postero temporal foci were always associated with gross psychopathy and often with aggressive crime.

One may conclude that Papez's theory of the limbic system as the neurological substrate of emotion is amply confirmed (*Lancet* 1959 (a) 460), that the mechanism involves parts of the hypothalamic nuclei and the temporal lobes and the medial frontal cortex, and that lesions in any of these areas may produce personality disturbances even to psychopathic severity depending upon the site(s) of the lesion and the personality involved. Results of temporal lobe surgery in support of this are described later.

Environmental Factors

It now seems fairly clear that extreme isolation from human contact in the first few years of life can cause total retardation (Itard 1791 and 1894, Davies 1940), and lessened degrees of isolation or adversity cause lessened degrees of retardation (Bourne 1955, Crowley 1958). Newman *et al.* (1937) and others have noted marked intellectual and personality differences between monozygotic twins separated at an early age. Simple parental deprivation appears to vary in its effect with the individual but there are many papers testifying to the association with later lovelessness, antisocial traits and aggressiveness (Goldfarb 1945, Spitz 1947, Bender 1947, 1948, Karpman 1951, Bowlby 1952). In 1956 McCord and McCord summarised twenty-seven papers correlating parental rejection with later psychopathic personality, detailing interesting accounts of cause-and-effect relationship. Parental antagonism has been positively correlated with later childhood hostility, hyperactivity and aggressiveness by Baldwin *et al.* (1945); Sears *et al* (1956) confirmed that the greater the parental antagonism the greater the reaction and aggressiveness of the child. Crowley (1958) presents a controlled series with follow up of defective children with functional and organic psychoses. Different degrees of parental antagonism are associated with later development of psychotic or psychopathic behaviour in a predisposed child. Control series have been reported correlating early deprivation with later psychopathic personality (Craft 1959) and apparent intellectual dullness which with time and training reached normal range (Clarke *et al.* 1958, Craft 1958).

Application of learning theory to these results shows how some of the above findings can be interpreted (Scott 1959). Unloved children never taught to feel affection are the most likely to be affectionless, lacking in guilt feelings, without feeling for others in later life and lacking untaught moral scruples to satisfy their wants at the expense of others. Those subject to gross variability in parental reaction might themselves fail to develop

emotional stability. Yet others appear to have a pattern that has broken down and follows rigid and stereotyped lines leading to antisocial actions quite uninfluenced by punishment.

Prognosis for severe psychopathic personality

The prognosis or natural history of any condition is important as a background against which one may assess the claims of those who advocate irreversible treatments (Cleckley 1953).

There are still leaders of psychiatric opinion who believe the condition is incurable (Gould 1959, Perk 1957, McCann 1948) despite much evidence that psychopathy is a diagnosis that decreases markedly with age (Cason 1946, Royal Commission 1957). In a series of 500 criminal psychopaths, Cason found a marked decrease of psychopathy with age, 73 per cent. being under thirty and only 1 per cent. over fifty years old. Henderson (1939) also suggested there is an inherent factor of maturation.

There are three recent follow up studies on severe psychopaths in England. Gibbens *et al.* (1959) followed a group of seventy-two severe criminal psychopathic recidivists and fifty-nine control prisoners for eight years; although the psychopathic " had a significantly higher rate of reconviction than controls . . . no less than 24 per cent. . . . had one or no reconvictions. These were . . . mainly inadequate psychopaths." Craft (1959) compared a consecutive series of psychopathic admissions to Rampton with controls. At follow-up, 13·1 years after admission, 18 per cent. of the Rampton admissions were returned to the general community, compared with 54 per cent. of controls. An earlier follow up (Craft 1958) comparing less serious but still certified defective psychopaths with controls showed no statistically significant difference in job holding 5·3 years after discharge. The former had more convictions. Tong and Mackay (1959) also found many court reconvictions (20 per cent.) among 423 Rampton discharges, an unspecified minority of whom had returned to the general community. It appears, then, that some psychopaths at least will improve even with little or no treatment.

Treatment

From the previous section it can be inferred that there will be individual patients who will improve. Most papers are concerned with such individuals.

The results of individual psychoanalysis vary from Wittels (1937) who reports lack of success to Schmideberg (1949) who reports improvement with all. Success with group analytically orientated therapy is reported by Aichhorn (Glover 1951). There are also reports of success with individual psychotherapy (Lipton 1950, Weber 1952) and hypnoanalysis (Lindner 1944, Rodgers 1947).

The effects of group psychotherapy, with matched controlled groups are reported by O'Connor and Yonge (1955) and Craft (1958). The patients reported by the former were delinquent youths with some psychopathic traits who showed many objective and statistically significant improvements on treatment. Craft (1958) used two types of psychotherapy with older subjects having personality disorder, and noted statistically significant improvements with both types.

Group methods with psychopathic children at Wyltwick are reported by McCord and McCord (1956). Using day-long therapy a number of significant improvements on rating scales were found. A permissive milieu has been carried to its logical conclusion by Maxwell Jones and his colleagues (Jones 1952, 1957). Within an autonomous mental hospital unit for voluntary psychopathic admissions, Jones has built up an intensive group therapy technique so that verbal and non verbal catharsis occurs from the inquisition of fellow members, and acceptance of positive group values results. The staff are unprotected by rank and fully exposed to verbal scrutiny. A follow-up gives satisfactory results (Jones 1952). The concept of a "therapeutic community" (Jones 1956) has been successfully transplanted to prisons (Gibbens 1951, Mackwood 1954, Fenton 1957 and Lieberman 1957), Rosow (1955) reporting significant improvements in ratings and recidivism scales. The most useful result seems to be a reduction of the tensions which previously culminated in prison riots (Showstock 1956). Grant and Grant (1959) detail an interesting Californian experiment in which group therapy under three types of milieu is being used on two types of psychopathic offender, with a follow-up to evaluate therapy success against psychopathic sub-group. The emotionally immature or unstable fared significantly better under a permissive régime than the more mature offender who fared significantly better under strict discipline than a permissive milieu. This type of research with quantified terms is much needed.

Most papers on the use of drugs lack definition, control and follow up. Individual patients with benefit from barbiturates are reported by Adatto (1949) and Train (1947). Silverman (1944) used a blind control series, but the benefit was temporary. Tong (1959) found that unstable, aggressive psychopaths at Rampton separated fairly clearly into two groups, the poorly reactile and the over reactile by their autonomic (skin temperature) response to a stressor agent. There is evidence that the two groups, clinically corresponding to affectionless schizoid and emotionally unstable psychopaths, might respond best to amphetamine and the promazine group respectively. Successful reports by Hill (1947) and Shovron (1947) using amphetamine can be interpreted in this light, also the findings of Craft (1958) who found benactyzine to exert a statistically significant improvement on emotionally unstable personalities in a double blind trial. Further trials are needed to confirm Tong's predictions.

Turning to the field of physical treatment, electroshock appears unsuccessful (Green *et al.* 1946, Darling 1945 and Silverman 1944). Prefrontal leucotomy has been used by a number of workers (Banay and Davidoff 1942, Darling and Sanddal 1953), all of whom report success. With Rampton female patients Mackay (1948) found the operation very effective in selected cases; Engler (1948) endorses this view. However, the operation is distinctly unpredictable in its effects on the psychopathic, and is in any case a last resort (Mackay 1948). The only controlled series with a follow-up in the literature (Robin 1958) gives no evidence to suppose that judged by objective criteria psychopaths are better improved by leucotomy than by time alone.

Surgical treatment for epileptic and non epileptic personality disorders by way of anterior temporal lobectomy has been reported by Bailey *et al.* (1953), Falconer *et al.* (1955) and Hill *et al.* (1957). Hill analysed the way in which personality changes as a result of operation, and noted a reduction of impulsiveness or aggressiveness, increased affective warmth with family and friends, and an improved sexual life. Falconer *et al.* (1957) state that aggressive outbursts have been most improved by such extirpation, whilst hysterical and inadequate personalities are less changed. Even fetishism has been alleviated (Mitchell *et al.* 1954). Clearly only selected cases with temporal lobe foci are candidates for operation, and Falconer and Schurr (1959) lay emphasis on the need for further evaluation and follow-up before long-term conclusions are drawn.

Finally, castration has been used for sexual offenders. Among discharges from Herstedvester, Stürup (quoted by Gibbens 1951) reports a series of seventy-nine castrated and forty non-castrated sex offenders. Three of the former and fifteen of the latter committed further sex offences during the period of the follow-up, whilst fourteen former and ten latter committed non-sexual offences. Craft (1958) has recently noted the significantly poorer prognosis of sex offenders against controls discharged from certification under the M.D. Acts, whilst Sands and Chamberlain (1952) note androgens to worsen the aggressive adolescent but improve the inadequate or schizoid. Controlled trials of hormones appear justified.

Conclusions

The aetiology of psychopathic personality

Although there is good evidence that early adverse environment, either by deprivation or by erratic parental affective training can and does initiate a psychopathic reaction pattern, it is by no means clear, as Bowlby *et al.* (1956) point out, why some and not all children react in this way to deprivation or other adverse factors. At follow-up, Bowlby found that only a minority of fifty-seven children subjected to deprivation developed a severe and continuous reaction pattern of cold aggressive behaviour or else of apathetic withdrawal. In apparently normal homes, Crowley (1958) noted that even

from birth there were some children who made no affective response whatsoever to loving mothers. It seems reasonable to postulate that specific areas of brain damage and/or genetic factors might predispose to such reaction patterns. Slater (1953) for instance found an excess of certain patterns of behaviour in the relatives of psychotics; relatives of schizophrenic probands showing paranoid, eccentric and emotionally cold traits; relatives of affective probands showing emotional lability and depressive trends. Children genetically endowed in this way might be expected to react as such in the face of stress. It is therefore concluded that psychopathic reactions arise from interplay between the following factors:

(1) Affective training which is either erratic due to inconsistent or hostile parental figures, or absent due to deprivation or disinterestedness.
(2) Injury to parts of the brain described earlier.
(3) Genetic predisposition such as these heterozygetic for schizophrenia, or affective disorder.

Three general syndromes emerge from the review:

(1) Syndromes due predominantly to brain damage. Clinical syndromes associated with brain damage are well documented, but it is clear from the paper, Rogers *et al.* (1956) and others, that degrees of such damage can be responsible for all shades of behaviour disorder up to psychopathic degree. On this continuum it is possible to isolate those syndromes with marked neurological signs and a definite history of past damage for they have a greater incidence of epilepsy or E.E.G. abnormality, may be open to neurosurgical treatment, and impose an upper limit to the effects of environmental manipulation.

(2) Syndromes which are predominantly affectionless. The history of these patients usually shows a deprivation of essential parental figures or a lack of training of affective bonds. As Bowlby *et al.* (1956) note, such persons may show an apathetic and inadequate or an aggressive and violent response. Aggressive or sexual offences occur in this group as a result of complete disregard for the feelings of others.

(3) Syndromes consisting predominantly of emotional immaturity or instability. These syndromes are the result of erratic training by antagonistic or variable parent figures. Physical immaturity may be present. Guilt may be marked, and the offences committed are mixed in type and committed on the impulse of the moment.

Treatment

It is only the different forms of group psychotherapy for which there is substantiated evidence that treatment is better than time or chance alone, although it is important to note that none of the papers concerned give a satisfactory long-term review. It seems probable from the literature that different methods suit different therapists and different groups of patients, and even within the two units reported to be concerned with psychopaths

there is modification from year to year (Jones 1957, Craft 1960). Clearly individual methods of treatment such as that of Rodgers may well have been effective but cannot be substantiated from a statistical point of view. No comment occurs in the literature on the siting of projected psychopathic treatment centres but there seems no reason why such units should not be formed in hospitals where therapists are already interested in such problems and this would reduce the cost of overheads.

Summary

Using a review of the literature to date, diagnosis, aetiology, prognosis and treatment of psychopathic personality are discussed. Studies concerned with aetiology suggested that interplay between the following was causal:

(1) Affective training.
(2) Brain injury.
(3) Genetic predisposition.

The natural history of the condition includes a distinct tendency to improvement over the years. There appears no reason to doubt reports of successful treatment of isolated cases, but apart from a few papers describing group therapy there is little evidence to suggest that results are better than the effect of time alone.

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NOTES

TWO INTERNATIONAL CONGRESSES

J. E. Hall Williams

The Fourth International Criminological Congress was held at The Hague from September 5–11, 1960. Attended by over five hundred delegates, it was organised on behalf of the International Society of Criminology by a Dutch Committee, and they did their work extremely well. The arrangements both for the serious and the social side of the Congress were superb, and these undoubtedly contributed to a very successful series of meetings, when much useful work was accomplished.

On Monday, September 5, the Congress was opened at an impressive ceremony in the Hall of Knights at The Hague. Among the speakers on this occasion was the Dutch Minister of Justice, and the Secretary-General of the International Society of Criminology, the indefatigable M. Jean Pinatel. M. Pinatel spoke of the earlier congresses on criminology, beginning with that held in Rome in 1885 at the instigation of Lombroso. He mentioned previous congresses held in Holland, *viz.*, the Fifth International Congress of Criminal Anthropology which had been held in Amsterdam in 1901, and the Twelfth International Penal and Penitentiary Congress, held at The Hague in 1950. The last congress held by the International Society of Criminology took place in London in 1955. The earlier criminological congresses referred to by M. Pinatel were marked by violent theoretical disagreements about the etiology of crime. M. Pinatel reminded Congress of the words of the late Dr. Denis Carroll in his Presidential Address to the London Congress in 1955, to the effect that there was no longer any necessity for disputes about causation; we must simply study what we find among offenders. M. Pinatel closed with an eloquent plea for this approach—in his view description should be paramount to explanation.

The first general lecture was delivered by Professor Manfred S. Guttmacher, Psychiatric Adviser to the Courts at Baltimore, and Professor Adjunct in the University of Maryland. His subject was "Mental Medicine and Criminal Procedure," and he gave an excellent historical account, reviewing the subject from the ancient Judaic law, through Aristotle and Justinian, early Chinese and Arab law, canon law, right down via Bracton to Prichard and Esquirol, and via Dr. Isaac Ray and the *Durham* case to the present day and the Mental Health Act, 1959.

The second general lecture was given by my learned predecessor Dr. Hermann Mannheim, on the subject of "Criminal Law and Mental Disorder." This was a more contemporary comparison of the solutions adopted by different societies to the problem of dealing with mental disorder under the

criminal law. Dr. Mannheim shrewdly observed that while in the past lawyers and sociologists were frequently in agreement in condemning psychiatrists, the lawyers have to some extent come to terms with the psychiatrists, while sociologists have become increasingly ferocious. In the last fifty years our criminal law has become more sophisticated, more realistic and more satisfactory. The only regret is that while it is thought permissible and legitimate for lawyers and judges to disagree, psychiatrists were still expected to be unanimous. Dr. Mannheim called for more freedom for the psychiatrists within the limits of an adequately framed law. Also he would like to see an adequately trained judiciary, with some knowledge of psychological and sociological theory. In reply to Lady Wootton's complaints about the concept of diminished responsibility (which she thinks involves a partial abandonment of the principles of criminal responsibility and the dangers of embarking on a slippery slope which will lead to the complete abandonment of the concept of criminal responsibility altogether), Dr. Mannheim remarked that the path is always slippery, but it is definitely more easy without the M'Naghten Rules than with them! English law, he said, has improved its procedure enormously in recent years, and he mentioned the Criminal Justice Act, 1948, the Magistrates' Courts Act, 1952, the Homicide Act, 1957, and the Mental Health Act, 1959. Outside the M'Naghten Rules there were other possible solutions to this problem. Here Dr. Mannheim discussed in an informed manner the Codes of France, Sweden, Chile, Germany, Belgium, Denmark, and the *Durham* case, the A.L.I. proposals and proposals in the French *l'avant projet*. It was indeed a masterly survey.

Other general lectures were given by Professor van Bemmelen, of Leyden, on "The integration into criminal policy of criminological data on mentally disturbed delinquents" (which was delivered in St. Peter's Church at Leyden) and by Professor de Greeff of Belgium on "Criminal data about mentally abnormal delinquents."

It will be obvious from what has been said that the theme of the Congress was the treatment of the mentally abnormal delinquent. The main work of the Congress was done in four Sections, as follows:

Section I: Prognosis and treatment.
Section II: Special themes: Epilepsy, Sexual Offences, Theft from Department Stores, Age in relation to Mental Abnormality.
Section III: Scientific Research.
Section IV: Miscellaneous Questions

In Section I, *Prognosis and treatment*, the subjects considered included both medico-psychological methods and sociological methods in the treatment of offenders, and questions of legal medicine and penal policy. Excellent contributions were made to the discussion by M. Deniker of France, Dr. Christiansen of Denmark, M. Thélin of Switzerland and Mr. Gunnar Marnell

of Sweden, who acted as rapporteurs to this Section. I was particularly impressed by Mr. Gunnar Marnell's remarks on the difference between a penal system devoted to training and one dedicated to treatment of offenders. Dr. Wardrop, visiting psychiatrist in the Scottish prison service, also made a thoughtful contribution.

This Section resolved among other matters to call for the introduction of criminological studies into the study of law and recommended that physicians and specialists in related fields connected with the treatment of offenders should be acquainted with the main principles of criminal law and criminology. It also urged that magistrates and others concerned with the criminal law should be encouraged to acquaint themselves with the principles of criminology.

Section II considered two very important and interesting subjects, *Sexual Offences*, and *Theft in Department Stores*. With regard to *Sexual Offences*, these were discussed under the provocative stimulus of Professor Paul Tappan (U.S.A.) who acted as rapporteur. There was fairly general agreement in the Section about the proper approach to this question, but in the plenary session strong objection was taken to certain of the resolutions. These, which were eventually adopted, called for the removal from the prohibitions of the criminal law of sexual behaviour which does not involve injury to a victim and is therefore a matter of personal morality.

Dr. Trevor Gibbens acted as rapporteur on the subject of *Theft in Department Stores*. His masterly survey of many different aspects of the problem led to a thoughtful discussion, which ranged wide over the problems of reportability, selling methods, and the etiology of juvenile and female crime. A paper was submitted by Dr. P. Epps of Holloway reviewing 200 cases of shoplifters admitted to that prison. Section II also dealt with *Epilepsy* and *Age in relation to Mental Abnormality*.

Section III on *Scientific Research* was perhaps the least satisfactory of the Sections. Although the rapporteur, Rev. P. N. Mailloux, Professor of Psychology of the University of Montreal, strove hard to put over certain views, there was considerable disagreement in the Section, and in the plenary session some criticism was expressed. It would appear that the difficulty arose from trying to be too dogmatic about the lines to be followed in research and the links between criminality and psychopathology. It looked like a take-over bid by certain experts in psychopathology, and this was in my view very properly resisted. Judge Versele (Belgium) also acted as rapporteur in this Section, and achieved much more general approval for his approach. Section IV had no particular subject assigned to it, but the rapporteur, Professor Enschedé, succeeded in getting Professor Sheldon Glueck to speak on the theme of the need for a comparative criminology on the international level, and the resolution passed called for the establishment, within the International Institute of Criminology, of a clearing house for criminological research projects and for

the furnishing of information regarding pre-existing or current researches, under a committee representing the various relevant disciplines. Also recommended was the encouragement of systematic collaboration between the International Society of Criminology and other organisations concerned with disciplines and techniques similar to those involved in criminological research.

In brief, one can truly say that this was a useful and enjoyable conference which heard some thoughtful contributions on the highest level of intellectual endeavour in this field.

Would that one could say the same about the London Conference! This was the *Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, held at Church House, Westminster, from August 8–20, 1960. Over 900 individuals attended, representing eighty-four different countries. Because of Sir Lionel Fox's recent illness, Sir Charles Cunningham, Permanent Under-Secretary at the Home Office, was installed as President, but Sir Lionel was made Hon. President, and, much to the pleasure of his friends, was able to attend the final meeting. In his opening remarks Sir Charles reviewed the progress which had been achieved in the United Kingdom towards implementing the resolutions of the previous Congress at Geneva in 1955. With the provision of more open and semi-open facilities, and the large building programme, with the introduction of better pay and living conditions for prison officers, and in many other different directions, it could truly be said that we in Britain were making great strides. The Lord Chancellor in opening the Congress had outlined the new deal for young offenders which was about to be the subject of legislation, and generally the picture presented was an encouraging progress report.

Professor Radzinowicz, in one of the general lectures on "Criminological and Penological Research," spoke of the position of criminology in this country and elsewhere, in terms of the institutes established and the research promoted. He found much room for improvement in the availability of funds and suitably trained research workers. "You cannot fight a war without an army." He had some interesting things to say about the scope of modern criminology and the limitations of criminological research, and he concluded with a description of the developments at Cambridge and the lines which the Cambridge Institute of Criminology proposes to follow in the next few years. He also described the part played by the Home Office since 1948 in financing criminological research, and described the role of the Home Office Research Unit. This lecture made a great impression.

Another general lecture was that given by the Hon. James V. Bennett, Director of the Federal Bureau of Prisons since 1937, and a well-known figure in American corrections. He chose as his subject "Individualisation of the Sentence," and what struck me particularly was his reminder that although two hundred years had passed since Beccaria enunciated his classical theory of

punishment, and in the meantime the theory of individualisation of punishment according to the needs of the offender had been developed, there was still no general consensus as to how the sentencing process could be individualised consistently with the classical principle, and a true balance found between the needs of the offender and the demands of law and justice. Deterrence and correction were not necessarily opposed or contradictory, he observed, but within the framework of the penal codes, devices and techniques were now employed to aid the judge in his decision. Experience has shown that we cannot rely on his judgment unaided. We are not seeking mathematical uniformity in this matter of sentences but rather a consistent underlying philosophy and policy in relation to sentencing. He went on to describe how this problem was being tackled in the United States in the different state jurisdictions and in the Federal system. Four other general lectures were given, one by Professor Jerzy Sawicky on "Characteristics and Objectives of Contemporary Penal Practice and Policy in Poland," one by Mr. Juhei Takeuchi, on "Juvenile Delinquency in Japan," one by Judge Versele of Belgium, and one by Professor Lopez-Rey.

The work of the Congress was divided into six subjects, which were considered in three sections.

Section I dealt with (1) *New forms of juvenile delinquency* and (2) *Special police services for the prevention of juvenile delinquency*. On (1) excellent documents had been prepared by Judge Wolf Middendorff on behalf of the United Nations Secretariat, and by Dr. T. C. N. Gibbens on behalf of the World Health Organisation. The contributions from the floor varied in subject and quality so much that some of us began to despair, but it was good to hear the thoughtful contribution of Mr. McConnell on behalf of the Children's Department, and it was always interesting to hear what the Soviet and Chinese delegations, and some of the other representatives, had to say. The conclusions of this section were to the effect that it is desirable that the scope of the problem of juvenile delinquency should not be unnecessarily inflated, and that the meaning of juvenile delinquency should be restricted as far as possible to violations of the criminal law. There was some controversy over a resolution calling for each country in accordance with its own political, social and cultural systems and conceptions, to take reasonable steps *to prevent, or reduce the effect of* the abuse of mass media of communication in disseminating unsuitable materials which are considered to be a contributing factor in the growth of juvenile delinquency. A Scandinavian resolution, which was supported by the U.S. and U.K. delegations, but was defeated, sought to water this down by recognising that some countries cannot exercise control of such materials by censorship but might be encouraged to take steps *to reduce the effect of* those elements in the mass media that are considered to contribute to the causation of juvenile delinquency. There was some controversy too about the degree to which

educational or family influences were of paramount importance, the Catholic countries tending to emphasise the latter. The Congress resolved that the U.N. should be recommended to make a special study of the rapid increase in juvenile delinquency in certain countries as part of the work in social defence. On *special police services*, the Congress accepted the report submitted by Interpol as representing a sound basis for the organisation of special police departments for the prevention of juvenile delinquency. But there were certain reservations about how far the police should go in this direction.

In *Section II*, the first subject considered was the *Prevention of types of criminality resulting from social changes and accompanying economic development in less developed territories*. Here again, the discussion ranged far and wide, geographically, and in terms of content and quality. The final resolutions adopted by the Congress stressed the socio-cultural effects of rapid urbanisation and economic development, and called for a programme of crime prevention co-ordinated by an agency organised for the purpose, within the framework of U.N. policy in the social and economic fields, and the Section strongly recommended more research to assess the many factors of social change which may contribute to criminality, and to evaluate measures of prevention.

The second subject dealt with in this Section was *Short-Term Imprisonment*. Here there were some interesting contributions. Particularly memorable were the interventions of Mr. Sanford Bates (U.S.), who delighted those present with the remark that he had often thought that the time to let out a prisoner was the second morning of his detention, and Dr. Hermann Mannheim's profound observations about the need for more information and research, and the expensiveness of implementing the findings, which are reflected in the Congress resolutions on this subject. Also noteworthy was the view expressed by some delegates that the coercive use of imprisonment for non-payment of debts or fines should be a function of special institutions. Mr. Graham-Harrison ably expounded the Home Office brief, quoting from the Advisory Council's report on this subject, and the corresponding Scottish report. Professor Radzinowicz intervened to call for the preservation of the classical principle of equivalence (of the penalty to the seriousness of the crime committed) and wondered whether, if short sentences were condemned, we really were arguing in favour of longer sentences. What should be avoided is short terms of less than four weeks. From four weeks to six months, a short sentence could be quite effective if properly applied. The Congress passed resolutions urging (a) more legislation to limit the use of short terms of imprisonment; (b) more research to establish for what persons and in what circumstances short-term imprisonment is unsuitable; (c) that other methods which do not involve deprivation of liberty should be devised as substitutes for short-term imprisonment.

Section III concerned itself with (1) *the integration of prison labour in the national economy, including the remuneration of prisoners;* (2) *pre-release treatment and after-care, as well as assistance to dependants of prisoners.* It is not possible to summarise the conclusions on these two matters without doing injustice to the lengthy resolutions or the protracted discussions from which they emerged. But, on labour, it is perhaps worth noting that the Congress declared that it is the duty of the state to ensure the full employment of able-bodied prisoners, but also recognised that the majority of the conclusions on prison labour adopted at the 1955 Congress had by no means been implemented as yet. Also that the payment of token remuneration to prisoners doing productive work is incompatible with current theories on prison treatment. On pre-release treatment, the most interesting division of opinion occurred between those who believed that an independent body should be given the authority to release those prisoners who were released prior to the expiration of the sentence, and those who, like the U.K. and U.S. delegations, resisted the notion of an independent and specialised authority such as a parole board. The majority view was in favour of an independent and specialised agency, the delegate from Israel having observed that this decision as to time of release is not less important than the decision sending the prisoner to prison. Will H.M.G. please take note?

On after-care, the necessity for a working partnership between official and non-official agencies was recognised, though it was emphasised that it is the primary responsibility of the state to ensure that adequate after-care services are available. Once again, the need for research on various aspects of the subject is recognised, in particular research on the attitudes of the public towards the released offender. The results of such research should be given the widest possible publicity, and disseminated in particular to the judges and others who have power to determine the length and character of sentences or commitments.

During the congress arrangements were made for parties to visit various prisons, open and closed, borstals, detention centres, and approved schools and remand homes.

The overall impression of the Congress was one of confusion of aims and dispersion of energies which could have been used to better effect. One cannot attend one of these vast international jamborees without wondering who is benefiting from the experience, and what contribution is being made in the debates (and outside) towards a deeper knowledge and understanding of the subject. Admirable as were the preliminary papers, excellent as were the rapporteurs, distinguished as were many of the participants, one felt a sense of dissatisfaction at the level of debate and the impossibility of getting anywhere through listening to them. Surely it is not beyond the wit of man to devise a scheme for an international convention where some really intelligent discussion could be assured to those who attend and by those who

take part. Much of the time in London was occupied in dreary accounts by government delegates of the situation in their respective countries, and what was being achieved. Much of the rest of the time went in banal remarks and puerile arguments unworthy of such a distinguished gathering. Something must be done to avoid a repetition of this experience. I would merely suggest the following elementary improvements in the arrangements: (1) delegates should be screened in some way for their credentials, so as to achieve a uniformly high standard of representation; (2) small group discussions by experts on particular subjects should be an important part of the proceedings; (3) governments should be encouraged to submit their progress reports in advance and they should be circulated in the papers rather than orally delivered; (4) there should be more lectures, by carefully chosen persons, followed by free discussion; (5) broad general topics should not be selected for general discussion, and broad general discussions should be discouraged: there must be some specific focus of attention. These suggestions are not intended to imply anything but the greatest admiration of the work of the UN secretariat, and these criticisms do not detract from the value of the Congress as a meeting ground and its value for the representatives of less developed countries: for them there was probably a lot to gain in information and enlightenment!

I know that there are difficulties in effecting improvements such as those suggested, but surely none so grave as to be insurmountable. It was some comfort to lift up one's eyes from the debate to read the words on the frieze of the Assembly Hall: Holy is the True Light and Passing Wonderful lending Radiance to them that endured in the heat of the conflict!

SECOND UNITED NATIONS CONGRESS ON PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

Section 1. New Forms of Juvenile Delinquency; Their Origin, Prevention and Treatment

T. P. Morris

This section attracted probably the largest number of delegates, and in consequence, its deliberations tended to be more formal than those of other Sections. It was distinguished by the quality of the Reports submitted to it, which contrasted favourably with verbal contributions made during the Congress. In presenting the Report of the Secretariat, Professor Lopez-Rey advanced a hypothesis which sought to explain delinquency rates in terms of cultural areas, and in Europe in terms of a "Mediterranean belt" and "Nordic belt," a view which some delegates criticised on grounds of statistical

inconsistency. A most valuable Report was submitted by Dr. Wolf Middendorf, of the German Federal Republic, dealing especially with such new forms of delinquency as those associated with vandalism, traffic violations, alcoholism and drug addiction. A Report submitted by the World Health Organisation, prepared by Dr. T. C. N. Gibbens, analysed present trends in delinquency, including such specialised property offences as car stealing and shoplifting.

A considerable amount of discussion arose in connection with the definition of "new forms." It was argued, for example, that car stealing had merely replaced horse stealing, although vandalism and addiction could not be easily regarded as merely modern variants of "traditional" offences.

Discussion in this Section was acutely limited by the fact that submissions from the floor were taken in strict hierarchical rotation and applications to speak had to be made well in advance. Government delegates took precedence and the effect was to substitute for debate a series of disconnected contributions. Discontinuity was emphasised by the fact that for a large part of the time every Government delegate insisted on his right to contribute, often in the form of an elaborately prepared speech. By and large these contributions were not distinguished by their knowledge of the literature of criminology or the social sciences as a whole, and in consequence many things that were said, for example, about the role of the family and the mass media of communication, were astonishingly naïve and ill-informed.

In its conclusions this Section considered that the scope of delinquency "ought not to be inflated" but confined to violations of the criminal law. Furthermore, it was considered that the new forms of delinquency required continuing study and the more intensive application of experimental, as well as conventional, forms of treatment. In spite of some pressure from delegations of one particular religious persuasion, the Section insisted that the specific influence of the mass media in the causation of delinquency had not yet been clearly demonstrated, but conceded that control and censorship should vary from one country to another, "in accordance with its political, social and cultural conceptions."

It is perhaps reassuring that out of the mass of prepared statement and counter statement that constituted so large a part of the transactions, the Secretariat should have been able to produce a cogent four pages of conclusions and recommendations. The conclusion which criminologists might well draw is that they have still some way to go before facts are accepted as being relevant to the discussion of the causes of delinquency.

The two Congresses have provided an occasion for the publication of much valuable material apart from the papers officially submitted to them. Space does not permit to mention them all. One of the most interesting is the special number produced in honour of the Hague Congress by the Dutch "Tijdschrift voor Strafrecht." Most of its articles are in English, except one

by Professor L. van der Horst (Amsterdam) on "l'epilepsie psychique." The others are on the rehabilitation of mentally disordered adult delinquents in the Netherlands (Professor Kempe, Utrecht), on criminology and religion (Professor Nagel, Leiden) and on juvenile delinquency (Dr. Grewel, Amsterdam).

H. M.

THE DENIS CARROLL PRIZE

AT the closing session of the Hague Congress the following Allocution was made by Professor Thorsten Sellin, President of the International Society of Criminology:

When our greatly loved and respected President, Dr. Denis Carroll, died, nearly five years ago, the Board of Directors of the International Society of Criminology decided to honour his memory by the establishment of an award to be known as the Denis Carroll Prize. This award would be given at each congress to the author of a meritorious work in criminology published during the preceding five years.

Once the decision had been taken to establish the Prize, the Scientific Committee of the Society elected a jury and formulated regulations governing the award. The persons designated to serve on the jury were: Prof. Baan (Netherlands); Prof. Chazal (France); Prof. Cornil (Belgium); Prof. de Greeff (Belgium); Prof. Kinberg (Sweden); Dr. Mannheim (England); Prof. Pinatel (France); Prof. Ribeiro (Brazil) and Prof. Sellin (U.S.A.). The death of Prof. Kinberg a few months ago deprived the jury of his services and left the choice of the recipient of the award to the remaining eight members.

Candidates for the Prize were nominated by national delegates and others in various countries. As a result about thirty authors were mentioned. The regulations governing the Prize made it necessary to eliminate five of the works involved, and when the remaining authors were requested to submit copies of their works for examination several of them decided for some reason to remain outside the competition, leaving twenty-one who provided the necessary number of copies of their books to permit the members of the jury to proceed to study them. The participating authors came from seven countries and their works were published in one of five languages. In order to provide time for the various preliminary votes by correspondence it was decided to fix January 1, 1960, as the last date for the submission of the books.

Three preliminary and anonymous votes by the jurors were taken by mail in May, June and July. Each time five or six authors were eliminated leaving five to be discussed in two meetings held during this congress by the seven jurors present.

The work of the jury has not been an enviable task. Judging from the eliminations, it is obvious that the majority of the jury decided at an early date

to place a number of the authors " hors concours " because they already had achieved wide international recognition. The result was that the last five works considered are all research studies by authors who have begun their careers in criminology quite recently. In fact, all seem to be doctoral dissertations published in modified form for the use of a larger public.

Of the five works mentioned, three were retained for a final vote. All of these were regarded by the jury as meritorious, but as the regulations governing the award did not permit its division among two or more authors, it was decided to designate one author alone as recipient of the Prize and to award honourable mention to the other two.

It gives me a great though melancholy pleasure now to present these awards in honour of the late President of the International Society of Criminology, Dr. Denis Carroll, especially so because Madame Carroll is present here today to witness the presentation.

The jury has awarded the Prize to Mr. Christian Debuyst (Belgium) for his work " Criminels et valeurs vécues. Etude clinique d'un groupe de jeunes delinquants." Honourable mention has been awarded to Mr. Robert Andry (England) for his work " Delinquency and Parental Pathology " and to Mr. Marvin Wolfgang (United States) for his work " Patterns of Criminal Homicide."

We have informed Mr. Debuyst of the action of the jury and if he is in the audience I ask him now to step forward to receive the award.

THE INGLEBY COMMITTEE REPORT

ELISABETH HOWARD

THE Ingleby Committee's task was a formidable one: broadly speaking, to review the powers and proceedings of juvenile courts and the provisions for preventing cruelty and neglect of children. The Committee had to consider a mass of detailed evidence from a very large variety of organisations and individuals with as many different points of view. It is therefore perhaps not surprising that although the report contains many sound and important recommendations it also shows many omissions and not a few inconsistencies.

First reactions to the report have been largely concentrated on the recommendation that the age of criminal responsibility should initially be raised to twelve. Readers of this *Journal* will be familiar with the recommendation that children under this age should be brought before the court in future under less formal procedure and for one reason only: that they are in need of care, protection, discipline or control—or more concisely, protection or discipline. But even in this recommendation there is considerable ambivalence. The proposal for consultations between police and local authority before initiating proceedings, and for closer association of parents with the

court's proceedings, together with wider provisions for proof of the need for court intervention would all seem likely to facilitate the taking of appropriate action. But together with the raising of the age of criminal responsibility, the Committee recommends that in future the court's powers to order detention in a remand home or attendance at an attendance centre (at the statutory age) should be extended to apply to children in need of protection or discipline—on the grounds that children who now come under care or protection provisions might, as well as the present young "offenders", benefit from such "disciplinary" action.

It is difficult in these circumstances to understand the great caution with which the Committee suggests that the age of criminal responsibility might eventually be raised to thirteen or fourteen. Since they find no incongruity in including "punitive" provisions in the powers proposed for future protection or discipline cases it would not have seemed unreasonable to suggest a higher age of criminal responsibility, perhaps in line with the Crowther Report's recommendation of a school-leaving age of sixteen within the near future. Such a proposal would have been further strengthened had the Committee pursued the recommendation by some of their witnesses for the establishment of youth courts for young adults up to the age of twenty or twenty-one. It is clear that some members of the Committee were not happy about the provisions for this age group, and although they considered it outside their terms of reference they did advocate "further examination" of the matter.

The Committee's reasons for rejecting suggestions for non-judicial welfare boards appear sound. They are based on concern for protection of the rights of those subject to proceedings, fears of delay and duplication of work if court action had eventually to be taken to enforce decisions of the board, and the expectation that no less a stigma would be attached to appearance before welfare boards. They also note that such boards would in fact be staffed by the same sort of people who now sit on the juvenile bench, whereas in Scandinavian and other Continental countries the alternative to the welfare board means a court presided over by a professional judge.

The suggested abolition of the provision by which parents can bring children to court as "beyond control" will be much welcomed, as will the recommendation that both parents shall normally be required to attend when their child is brought, for whatever reason, before the juvenile court.

The review of disposal facilities tends to be narrow and uneven. In the case of detention centres, for instance, considerable attention is devoted to the appropriate length of sentence (three months maximum for the fourteen to seventeen-year-olds) and to a recommendation for compulsory after-care of up to twelve months, but there is no discussion at all of the régime. One does not know whether the Committee assumes a continued emphasis on the "short, sharp shock" or whether it envisages the development of a more

positive training programme, with greater attention being paid to the needs of the individual. This is particularly important in relation to the recommendation for after-care, for it is hardly likely that boys will respond well to constructive supervision on discharge if they have been treated quite impersonally during their period of detention. There is not a word about the need to provide a variation of facilities among different centres, with some system of classification, as they gradually replace short terms of imprisonment and so have to cater for a much greater variety of physical and mental abilities. Nor is any attention paid to the need for a full social or medical report before sentence, although at present, in the absence of such a requirement, boys with serious physical disabilities have sometimes been committed to detention centres, to say nothing of those psychologically unsuited to the prevailing régime.

The Committee dismisses somewhat summarily the recommendation of several witnesses that central responsibility for approved schools might more appropriately rest with the Ministry of Education—perhaps through transfer of the whole Children's Department. The main task of the "normal" school—and particularly the secondary modern, through which the great majority of children pass—is satisfactory social integration rather than attainment of academic distinction. The difference in emphasis between it and the approved school is therefore only one of degree, and there would seem many advantages in not cutting off young offenders so distinctly from the ordinary system of education. It would facilitate movement of staff between different types of school. Through closer contact with approved schools, teachers might learn to spot the delinquency-prone child at an earlier stage. They might also be more willing to report symptoms of maladjustment and delinquency coming to their notice if they did not feel there was the possibility that by so doing the child might be condemned to an institution which was part of the penal system—for so approved schools must be regarded as long as they remain under the Minister concerned with police and prisons.

The recommendation that management committees should be obliged to adopt a statutory instrument regulating their appointment, functions and procedure is long overdue, and has been acted upon in the Criminal Justice Bill, with additional provisions for appointment of one or more managers by the Home Secretary where he considers this advisable. But why should this proposal be restricted to special independent committees and those run by voluntary societies? It would seem quite as important to ensure that local authority committees should be properly balanced, and apparently very few at present use their powers to co-opt people with special knowledge or experience. Again, the recommendation of an age limit for managers is sound, but why choose seventy-five (for which no reason is given), rather than sixty-five, which would be in line with the retiring age from the juvenile

panel? (Can it be that the Committee feared that to impose a lower age than seventy-five would mean the sudden disappearance of some committees?)

The Committee notes that the Home Office is considering the provision of closed blocks or of special closed schools with psychiatric, medical and research facilities, for boys and girls with whom the ordinary training school cannot cope. They recommend that if such blocks are provided they should be associated with the classifying schools. Less constructive is the suggestion that the police should be authorised, on the warrant of a magistrate, to effect "prompt temporary removal" to "secure custody" of unruly or subversive boys or girls. The limit of seventy-two hours suggested—with the implication that this might be in a police cell—seems excessive. It has been reduced in the Criminal Justice Bill to forty-eight hours, although even this seems longer than should be necessary before arranging accommodation in a more suitable institution.

There seems considerable dichotomy in the Committee's ideas on attendance centres. On the one hand they suggest that the aim of the centres is to bring the child under discipline and to teach him "something of the constructive use of leisure." They then reject recommendations for an increase in the present maximum of twelve hours' attendance, to enable training and the personal influence of the staff to have a more lasting effect (a recommendation supported by the Cambridge Department of Criminal Science as a result of their special investigation) on the grounds that "the main purpose of attendance centres is to impose punishment through loss of leisure." Much more careful consideration of the functions of these centres is necessary if the Committee's recommendations for a lowering of the qualifying age from twelve to ten and extension of their use to protection or discipline cases are to be implemented (as envisaged in the Criminal Justice Bill). A programme in junior centres for youngsters ranging from ten to seventeen would also need to be carefully planned.

The recommendation for continued use of punitive detention in remand homes—and indeed its extension to protection or discipline cases—hardly seems compatible with proposals for improved facilities for observation of children on remand and the development of some homes to act also as classifying centres.

Perhaps most disappointing is the Committee's failure to consider better provision of hostels. They recommend that experiments in the use of hostels for part of approved school training, in preparation for release on licence, should be encouraged. They also suggest that probation homes should gradually be incorporated in the probation hostel system. But consideration might have been given to the use of hostels for training in "semi-liberty" many children and young persons at present sent to closed institutions. Since the object of institutional treatment is mainly to fit young people to take their proper place in society, closer links throughout with ordinary society might

well be beneficial. Although the question of probation hostels is within the terms of reference of the Departmental Committee on Probation, there is no reason why the Ingleby Committee should not have recommended increased Home Office responsibility for the provision of enough hostels, with a better geographical distribution than at present.

The Committee's emphasis on the need for more training for many of those concerned with young people before the courts will be welcomed. They might have included a definite proposal in this connection for remand home staff and for education welfare officers who, if they were trained, might play a much more useful role in ensuring that action was taken at an early stage, forestalling the necessity to bring a child before the court. But there is particular mention of training before appointment for approved school staff and the necessity for special training for all juvenile court magistrates. It is to be hoped that the Committee's recommendations on these points will be implemented more quickly than those of Committees concerned with the same subject in the past.

CRIME, PRISON AND AFTER, 1959

ALAN LITTLE

THE trinity of reports * presenting the official crime picture for this country are more frequently criticised by professional criminologists than used either for research or discussion: attention is turned to them only as a last resort. There are reasonable grounds for this reaction, but it can go too far. Although far from presenting an ideal report of the statistical picture, these reports represent a more comprehensive account than is available for any other country. The purpose of this review is to present the salient points (largely factual) made by these reports.

During 1959 the numbers charged with both indictable and non-indictable offences increased, the former by 4·4 per cent. and the latter by 4·8 per cent. This means that over a million people appeared before a criminal court in England and Wales during the year. Indictable offences known to the police also increased to 675,626 (an addition of over fifty thousand) of which 44·7 were cleared up (compared with 45·6 per cent. in 1958). Traffic offences were the most frequent, making up 61·1 per cent. of all offenders tried, larceny came a poor second with 8·7 per cent. and drunkenness third with 6·6 per cent. The most frequent sentence was a fine; 95 per cent. of people charged with non-indictable offences were fined and a further 3 per cent. conditionally or absolutely discharged. Given the frequency with which courts use these sentences, it is surprising that more research attention is not paid to their

* "Criminal Statistics England and Wales 1959," H.M.S.O., Cmnd. 1100. "Report of the Commissioners of Prisons for the Year 1959," H.M.S.O., Cmnd. 1117. "Report of the Central After-Care Association," H.M.S.O., 1960.

efficacy. The penal devices receiving most attention are probably penal institutions, and this becomes the most frequent type of sentence for old (*i.e.*, 21-plus) offenders charged with indictable offences in a higher court: in other words a very small part of the population we might call criminal.

The second, much neglected, observation that can be made from this report is the difference in the crime rates of different age groups and between the two sexes. The number of men charged with indictable offences in different age groups varies from 2,313 per 100,000 for 14–17-year-olds to 281 for 30-year-olds and above; female rates for the same age groups are 240 and 57. This same index gives a useful measurement of the increase in crime; between 1938 and 1959 the number of males found guilty of indictable offences per 100,000 increased from 393 to 710. Despite this profound increase (which must be accepted with all the caution and reservations that commentators like Mannheim [1] and Lodge [2] have outlined) the contribution made by various age groups has remained remarkably constant over the period. A tendency can be found for adolescents to make up a slightly larger proportion than in the earlier period. This tendency is more pronounced in certain types of crimes, especially crimes of violence, in which the 14–21 contribution has more than doubled; the 8–14 are committing a larger share of receiving and the 17–30 age group more of the breaking and entering.

Any adequate criminological theory must explain the wide differences found in the crime rates between the sexes and between age groups. Further, increases in crime must be explained by it as must any internal variations in types of crime. Topics such as these have received scant attention in the literature, and little research (to the reviewer's knowledge) is being done at present to explain them.

Only a minority of offenders were sentenced to institutions: 37,844 men were received under sentence, 15 per cent. were for non-payment of fines and half of these had not been given time to pay. The bulk of sentences passed were short, only one-third being more than six months and over a fifth for less than one month. However, many more men spent time in prison than this; in fact as many spent time awaiting trial and sentence as did under sentence. This fact illustrates the diverse function of the prison and especially the local prison; institutions and staff are not simply concerned with detention and training of sentenced offenders, but act as a waiting room for those awaiting trial, and as a diagnostic centre for those awaiting sentence.

The question remains: is prison the most suitable place to carry out these functions? Is it contaminating for those who must wait there (more especially when the number who are later not sentenced to prison is remembered [3]) and are these additional functions a help or a hindrance to

[1] H. Mannheim, *Social Aspects of Crime in England between the Wars* (1940), Chaps 2 and 3. [2] T. S. Lodge, "Criminal Statistics," *Journ.Roy.Stat.Soc.*, Series A, 1953.
[3] See "Time Spent Awaiting Trial," H.M.S.O., 1960.

the main purpose of prisons, the custody of sentenced men and their training?

This last point is of particular importance to young offenders. Although over 3,000 young people were sentenced to Borstal training, a further 2,000 were given sentences of imprisonment; all of these would spend time in prison on remand, etc. In addition 6,400 young people spent time in prison on remand or under sentence and were later not sentenced to prison. Therefore, despite the intention of the legislative and the penal system to keep the young out of prison, a total of over 11,000 young people spent some time in prison during 1959.

The cost of running the institutions under the Prison Commissioners was just under £13 million, and this does not include the cost of new buildings and maintenance: the cost varied from over £7 a week for prisoners to £11 for Borstal and Detention Centre inmates. The results of this expenditure vary considerably with type of offender and régime. Information is not published for discharges from local prisons, but the failure rate (as measured by reappearance in court) of central and regional training prisons for 1954 discharges varies from 13 per cent. for star males discharged from open prisons, to 52 per cent. for corrective trainees discharged from closed prisons. 59·5 per cent. of young prisoners discharged in the same year had reappeared in court by 1959, as had 58·5 per cent. of Borstal discharges. Of the young people who left detention centres in 1956, 53·8 per cent. of the seniors and 58·7 per cent. of the juniors had reappeared in court.

Some of the most depressing facts contained in the Prison Commissioners' report (and these might give a rough indication how many discharges from local prisons reappear in court) are the number of receptions into prison who have served a previous prison sentence. Almost half had been in prison before, 272 of them on twenty previous occasions, and 3,269 of them more than six times. Such figures indicate the need for a longitudinal study over time of a sample of the population who appear in court and also of a sample of those who receive sentences. Criminologists might with profit follow the direction of demographers and attempt "cohort analyses" of particular age groups, etc.

The Commissioners report the extension of the Norwich experiment to other local prisons, and the opening of a further eight hostels for prisoners to spend the final 6–9 months of their sentence under less controlled conditions. Group counselling is being attempted in sixteen institutions and there are now seventeen prison welfare officers working in the prison system. All of these changes are examples of the attempts being made to train a man for discharge and to help him prepare himself for freedom, but as yet they reach only a minority of the prison population. A rather more complacent note is struck when the report states that "the time has come for a considerable expansion of prison industries." Data provided in the present report

showing that of the daily average population in all penal institutions 6 per cent. were receiving vocational and industrial instruction, whereas 50 per cent. of the population were engaged on domestic duties and the manufacture or repair of mail bags, coir mats and matresses, suggest such an expansion is long overdue.

The weakest and most inadequate report is that of the Central After-Care Association. It is weak in that it reports on one of the least satisfactory aspects of present penal policy and inadequate in that insufficient account is given of current after-care practice. During 1959, of the men discharged from prison 1,593 received compulsory after-care or volunteered for after-care provided by the Central After-Care Association. Even if the legislative changes suggested by the present Government are put into effect, it is probable that at least 30,000 individuals will be outside the scope of compulsory after-care. Therefore the most typical type of after-care is that provided by voluntary agencies and voluntary workers, who dealt with 39,867 ex-prisoners in 1959.

The report of the men's after-care section summarises the purpose of after-care when it states that it should act as a "bridge from institutional maintenance to self maintenance and from an ordered and organised existence to a competitive economic struggle." The extent to which this is achieved will depend upon the quality of the staff (both professional and voluntary) recruited to the work. No attempt is made in the report to describe the type of after-care being given on a statutory or voluntary basis. Paragraph 10 of the report indicates how the nature of assistance differs: "in general it covers maintenance grants . . . and the provision of tools and working clothes, but frequently extends to help in domestic matters, furniture, storage of effects, family debts, etc. Early employment remains a priority." Important as these things are, they hardly meet the aim described earlier; such services will not adequately bridge the gap between institutions and freedom.

The report of the Borstal Section of After-Care describes the conflicting role of the "case worker" and the "authority figure" which the after-care worker must be to the offender. However, this account gives no indication of the extent to which either role is being met in current practice. Put simply, this is a question of how adequate are our after-care services, both in the range of offenders covered and in the quality of provision. Information should be obtainable in the annual report that can be used to answer this question; it is not available in these reports.

THE CRIMINAL JUSTICE BILL, 1960

THERE is no end in sight of the rise in serious crime among young men in Britain, and it seems wellnigh impossible to find remedies within the penal system. On the very day when Forsyth and Harris were executed for their

parts in the Hounslow footpath murder a bank guard was killed, and three youths have been charged with his murder.

The Criminal Justice Bill, 1960, which has just been published, is mainly, though not exclusively, concerned with young offenders. There has been no time to consider carefully all its implications for the present issue. Many of its proposals are based on the recommendations of the Home Office Advisory Council (see *Brit.J.Delinq.*, Vol. X, No. 3, January 1960, p. 216 *et seq.*), on the Report on the Carlton Approved School (*ibid.* No. 4, April 1960, p. 295 *et seq.*), and the Report of the Ingleby Committee (see this number). It proposes to lower the minimum age for Borstal training to fifteen, but offenders under seventeen shall not be sent to Borstal unless the court is of the opinion that no other method is appropriate. Prison sentences on persons under seventeen shall be illegal. For those between seventeen and twenty-one prison sentences shall be for periods of six months or less or of three years or more, and short prison sentences shall cease as soon as sufficient detention centres become available. The main emphasis is placed on the provision of more detention centres, with periods of detention usually of three months, for certain categories up to six months. The minimum age for attendance centres will be lowered from twelve to ten years. Detention in Borstals will be for a minimum period of six months and a maximum of two years. The Approved School system will be made more flexible, and the magistrates will have power to transfer to a Borstal young persons found unsuitable for Approved School training.

As far as adults are concerned, compulsory supervision after release will be extended to certain categories so far not covered.

According to clause 23 Her Majesty may by order in Council make provisions for transferring to the Home Secretary any or all of the functions of the Prison Commissioners—a clause which is likely to be controversial.

Special attention should be drawn to the House of Commons debate on the Bill of November 17, 1960.

H. M.

(The Home Office Advisory Council on the Treatment of Offenders has just published a Report on Corporal Punishment (Cmnd. 1213, 3s. 6d.), in which the idea of reintroducing corporal punishment is strongly rejected.)

CAPITAL PUNISHMENT

Report of the Commission of Inquiry on Capital Punishment. Printed at the Government Press, Ceylon. September 1959. 118 pp. Price Rs. 3.00.

In Ceylon, where "the abolitionist argument is at least two thousand years old," capital punishment was suspended in 1956 administratively by the Minister of Justice advising the Governor-General to commute all death sentences to life imprisonment, and later, in April 1958, by Act of Parliament

for a preliminary period of three years. During the communal riots of May 1958 a state of emergency was proclaimed under which certain offences against property were made capital, but there were no convictions under this provision. When the Act of 1958 was debated in Parliament the Minister of Justice informed the Senate that the Government proposed to appoint a Commission to advise them whether the death penalty should eventually be retained. Such a Commission, consisting of Professor Norval Morris, Dean of the Faculty of Law, University of Adelaide, as Chairman, Sir Edwin Wijeyeratine, Barrister-at-Law, and Professor T. Nadaraja, Head of the Department of Law, University of Ceylon, as members, was appointed in October 1958 and reported in July 1959. Its Report is a document which should in many ways be of considerable interest outside Ceylon too, because it tackles its subject competently and in a truly scientific spirit. Its terms of reference were: to report upon the following matters:

> "(a) whether there is an increase in the rate of murders in Ceylon and, if so, the causes thereof and the extent, if at all, to which such increase is attributable to the suspension of capital punishment;
>
> (b) whether the liability under the criminal law to suffer capital punishment for murder should be abolished, under what conditions and for how long should the persons who would otherwise have been liable to suffer capital punishment be imprisoned and whether there should be any additional punishment including the provision of compensation to the dependants of a murdered person out of the assets and income of the murderer. . . ."

The Report stresses that the Commission was asked to report not on the causes of homicide in Ceylon but on the causes of any increase that might have occurred. This excluded consideration of factors such as malnutrition leading to exaggerated reactions to comparatively slight provocations because there was no evidence of any recent change in the state of nutrition.

The chief difficulties which the Commission had to face were, first, the state of public opinion and, secondly, the complex problem of the communal riots. Many witnesses maintained that public opinion in Ceylon was overwhelmingly in favour of reintroducing capital punishment and that this should be regarded by the Commission as ruling out any recommendation to the contrary. The section of the Report rejecting this attitude and also the dissenting Chapter VIII written by Sir Edwin Wijeyeratine are worthy of special study. On the subject of communal riots the Commission felt that homicides committed in connection with them should, as distorting the real picture, as far as possible be excluded from their considerations, but it was, naturally, far from easy to classify homicides as being either part, or not part, of these riots (pp. 19–28). It was found that, excluding killings which were part of the communal riots, the homicide rate in Ceylon had, in spite of the

suspension of executions in 1956, remained substantially stable between 1948 and 1958. There was, however, a substantial rise in other serious crimes of violence in 1958, as a consequence of the communal disturbances. "We can state with confidence," writes the Commission, "that the main cause of the recent increase in the homicidal rate in Ceylon is the political, social and inter-racial tension which expressed itself in violence . . ." (p. 33). The Report repudiates the common view that the homicide rate in Ceylon is the highest in the world, but it is certainly one of the highest. In a particularly valuable chapter "Abolition or Reintroduction" the Commission, quoting the views expressed by Professor Sellin before the Royal Commission of 1949–53, concludes that the statistical evidence from a number of countries, including Ceylon, tends to disprove "the assumption of the uniquely deterrent effect of the death penalty." Moreover, the risk of miscarriages of justice is regarded as particularly high in Ceylon because of the frequency of perjury; "we were disturbed by the weight of evidence to the effect that perjury aiming at the conviction of a person believed but not known to be guilty is common in Ceylon" (p. 54). Other factors increasing the risk of erroneous convictions are the undue delay between the commission of a crime and the trial and also the fact that a unanimous verdict of the jury is not required in Ceylon. Another chapter of the Report deals with the question of alternatives. While the Commission was unanimously against the reintroduction of capital punishment as applied before 1956, it was divided with regard to the question of whether there should be a distinction between capital and non-capital murder on the lines of the English Homicide Act of 1957. Distinctions of this kind were rejected by the majority, Sir Edwin Wijeyeratine again dissenting.

H. M.

VIOLENT CRIME

The Criminal Law Review. Special Issue on Violence. October 1960. London, Sweet and Maxwell, Ltd. 3s. 6d.

It was an admirable idea to devote the major part of this number to the very topical subject of crime of violence. H. A. Prins writes on its social and family aspects, Dr. T. E. James, very informatively, on the sentencing policy of the courts in such cases. The contribution of the former Chief Constable of Nottingham, Mr. Athelstan Popkess, on the racial disturbances in that city in 1958 is somewhat slight. Mr. Gordon Hawkins, former Assistant Governor of Wakefield Prison and now Assistant Principal of the Prison Service Staff College, discusses competently treatment in prison with special reference to the vexed problem of the long-term young prisoner detained for serious crime of violence on a sentence of over three years, indefinitely or during Her Majesty's pleasure, clearly a subject crying out for further investigation.

H. M.

ATTEMPTED SUICIDE

1. *Ought Suicide to be a Crime?* (The Church Information Office, Church House, Westminster, London, S.W.1. 56 pp.)

2. *Criminal Law Revision Committee.* Second Report (Suicide). (London, H.M. Stationery Office, Cmnd. 1187. 10 pp. 9d. net)

THE prolonged public discussion on, and the growing criticism of, the present English law of suicide,[1] accompanied by a few substantial pieces of research and culminating in the excellent report "Ought Suicide to be a Crime?" by a Committee appointed by the Church of England Assembly Board for Social Responsibility, persuaded the Home Secretary a year ago to reconsider his former, rather negative, attitude to the question of suicide law reform. In November 1959 he informed the newly appointed Criminal Law Revision Committee that he was "considering whether legislation should be introduced to provide that suicide and attempted suicide should no longer be criminal offences" and asked the Committee "to consider, on the assumption that it should continue to be an offence for a person . . . to incite or assist another to kill or attempt to kill himself, what consequential amendments in the criminal law would be required in consequence of a provision that suicide and attempted suicide should no longer be criminal offences." The Committee was therefore not concerned with the question of policy whether the law should be changed but merely with the technical question of how it should be done if Government and Parliament should decide to do it. This is characteristic of the position of this Committee, which is largely confined to the consideration of questions of legal draftsmanship. In the present case the Committee produced a Draft Suicide Bill, the principal clauses of which are as follows: "Clause 1. The rule of law whereby it is a crime for a person to commit suicide is hereby abrogated. Clause 2 (1). A person who aids, abets, counsels or procures the suicide of another, or an attempt by another to commit suicide, shall be liable on conviction on indictment to imprisonment for a term not exceeding fourteen years." These proposals are broadly in line with those of the Church of England Committee. It is now for the Government and Parliament to give effect to them, and it seems likely that this will be done in the present parliamentary session.

H. M.

THREE NEW JOURNALS

1. *Quaderni Di Criminologia Clinica.* This journal, which is an official publication of the Ministero di Grazia e Giustizia, Direzione Generale per gli Istituti di Prevenzione e di Pena, in Rome under the direction of the Director-General of the Institute, Nicola Reale, owes its existence to the initiative of

[1] See, *e.g.*, *Brit.J.Delinq.*, Vol. IX, No. 2, October 1958, p. 132.

the Italian prison administration. Its first number bears the date January–March 1959. Most of its contributions are in Italian, with a sprinkling of French papers. There are, however, regular summaries in English, French and German. The journal is intended as a supplement to the "Rassegna degli Studi Penitenziari" which are mainly devoted to problems of penal institutions. A particularly valuable feature is the special section, "Presentazione e discussione di Casi," containing very full case histories and psychiatric comments; its cases are drawn mainly from the new Istituto di Osservazione di Roma-Rebibbia. To mention a few of the articles so far published, G. Vassalli writes on "Criminology and Penal Justice," J. M. MacDonald on the Ganser Syndrome, F. Ferracuti and F. Saporito describe a case of kleptomania from the Instituto di Antropologia Criminale of the University of Rome; Ferracuti proposes a new form for the psychological examination in criminal cases; G. Stürup discusses a case of hysterical simulation; Marvin E. Wolfgang contributes a follow-up study of murderers sentenced to life imprisonment and an assessment of their adjustment to the prison sub-culture; Marc Ancel examines the relation between the new Social Defence movement and the use of psychiatry in criminal cases.

2. *Excerpta Criminologica.* This periodical, published by the Excerpta Medica Foundation and edited by Professor Würtenberger (Freiburg) as chairman, Dr. Gibbens (London) and Professor Nagel (Leiden), is described in the Foreword as a trial issue to find out whether there is a demand for a regular and up-to-date abstracting service in the field of criminology. The first number was published in August 1960, and if the demand should be sufficient to support such a publication it will in future appear bi-monthly from January 1961. The price envisaged is £10 per year. The first number contains 162 abstracts, greatly varying in length, clearly written and well classified. There can be no doubt that a publication of this kind will fill a widely felt gap in criminological literature, and the hope may be expressed that the response will be encouraging.

3. *The National Review of Criminal Science.* This journal is issued by The National Centre of Social and Criminological Research of the United Arab Republic. It is published three times a year, and is now in its third year. It is written in Arabic, but Vol. III, No. 1, issued in March 1960, contains also a paper in Italian. The annual subscription is 50 piastres.

H. M.

LADY CHATTERLEY'S LOVER

THE prosecution of the publishers of the unexpurgated edition of D. H. Lawrence's book was undertaken by the Director of Public Prosecutions under the Obscene Publications Act, 1959. Its main provisions, as far as they are here of interest, are as follows:

Section 1 (1). "For the purposes of this Act an article shall be deemed to be obscene if its effect . . . is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it."

Section 2 provides for penalties which can on conviction be as heavy as imprisonment up to three years and fines or both.

Section 4 (1). "A person shall not be convicted of an offence against section two of this Act, and an order for forfeiture shall not be made . . . if it is proved that publication of the article in question is justified as being for the public good on the ground that it is in the interests of science, literature, art or learning, or of other objects of general concern."

"(2) It is hereby declared that the opinion of experts as to the literary, artistic, scientific or other merits of an article may be admitted in any proceedings under this Act either to establish or to negative the said ground."

It is somewhat strange that the provision of section 4 (2) was at all needed to enable the court to hear experts on such matters, but in fact it required a prolonged and determined struggle to get this clause accepted. It is also strange that the opinion of experts can be admitted only on the questions mentioned in section 4, not however on the question of obscenity (s. 1). Even with such shortcomings the Act has considerable merits, although its full implications are far from clear. One of its greatest merits is, apart from the admission of experts, that the magistrates or the jury are now compelled to consider the contents of a book, etc., "as a whole," instead of, as happened before, being presented with a few passages, torn out of the context and marked for their benefit by the police (see the report of such a case as late as *The Times* of the 17th September, 1960).

As the world knows, in spite of an unsympathetic judicial summing-up the publishers were found "not guilty" by the jury at the Old Bailey on November 2, 1960. The trial and verdict show with particular clarity both the advantages and the disadvantages of trial by jury. The advantages: the juror is less than the professional judge inhibited in his views on matters of public morals; he can more easily afford to be unorthodox. The disadvantages: nobody outside the jurors' room knows the reasons for the verdict, and in this case the verdict apparently did not show whether the jury had denied the obscene character of the book or rather taken the view that, in spite of its obscenity, publication was justified on the grounds stated in section 4. In the first case, the thirty-five witnesses would not have been required, and it is difficult to see why the Act did not provide some sort of *caesura*, a two-stages verdict to enable the jury to consider first the question of obscenity and to

return a verdict of "not guilty" if they denied it. As it is, the verdict is of little help for the future interpretation of the Act.

It is too early at this moment to consider the full implications of the verdict. To judge from the many hundreds of articles and letters appearing in the daily Press and the weeklies, feeling on both sides is still running too high for a final judgment. What can be said already here and now is that the prosecution itself was a big mistake. As the object of its attack was the book of a great and rightly famous writer the risk of an acquittal had to be seriously considered from the beginning, and it was only too clear that an acquittal after prolonged trial would greatly intensify all the evil effects which the prosecution was anxious to avoid. From their own point of view publication after trial should have been regarded as infinitely more harmful than publication without a trial, because of the vastly increased publicity. From the point of view of all those who differ from the prosecution the trial and verdict were a mixed blessing because inevitably they gave the book an air of sensationalism which its publication itself might not necessarily have produced.

H. M.

A TELEVISION STUDY OF "CRIME"

W. J. Bolt

The scientific study of crime is now several generations old, but the learning and wisdom it has accumulated still remain the preserve of a select circle of specialists. Its Public Relations have been bad, for few attempts have been made to communicate its therapeutic benefits to the vast and needy world outside.

On July 26, 1960, BBC Television presented the first of a series of programmes by Mr. Christopher Mayhew, M.P., as an experiment in this direction. It was a factual documentary, entirely free from the sensationalism with which popular agencies invest the problem; it sought to impress on the unenlightened public the gravity, enormity and pathos of our growing social cancer. A verbatim publication of Mr. Mayhew's script (which the BBC kindly allowed me to inspect) would be an invaluable addition to our stock of raw materials. Mr. Mayhew merits our highest praise for his approach to the subject, for his eye for the significant detail, for his grasp of the essential features which such a survey should assume.

A study of the phenomenon must quickly resolve itself into a personal study of offenders; and in the first programme, where Mr. Mayhew was interviewing prisoners under detention, he elicited many shameless confessions which should give the public a rare insight into the intricacies and frustrations of the mystery. "I never rob a working-class person," said one inveterate, who thought that a business man was "fair game." Mr. Mayhew asked one

prisoner who complained of the severity of his sentence of Preventive Detention: "But there is £21,000 hidden somewhere, isn't there?" "Yes." "Which the police haven't found?" "No, I don't suppose they will ever find it."

We heard Dr. Roper of Wakefield testify that in the prison population he found "no higher percentage of personality problems or of low intelligence quotient" than in the community at large.

In this programme, Mr. Mayhew was moved to the generalisation that "some of their feelings have not developed from the childish level, very often from the absence or inadequacy of their parents. What keeps people straight, it seems, are the moral feelings and standards formed when we are children. If these are not there, no vague, distant fear of legal punishment will deter us from crime. Instead, fear of punishment may simply add to the excitement and pleasure of breaking the law."

The defects of our present penal buildings, the overcrowding of Armley and the numbing forlornness of Dartmoor, were depicted far more vividly and forcefully than they can be by any other medium; and the wind of change in penal methods was sublimely illustrated in the scenes of life at Leyhill. After canvassing the contrasted reactions of prison staff to the new doctrines of treatment, Mr. Mayhew summarised his impression: "Tough treatment does not deter. Kind treatment does not reform. That is the hard conclusion one gets driven to." "It does not mean that a prisoner with a bad prediction-risk cannot be reformed, only that we have not yet discovered how to do it."

In the programme "Caught Young," Mr. Mayhew examined the aims and methods of a typical Borstal institution and a typical Detention Centre. Here, I wished that Mr. Mayhew had warned viewers that they should exercise great reserve in receiving any inmate's appraisal of any institution.

Of the many interviews he recorded during the series, none seemed to be more relevant and illuminating than his meeting with Mr. O'Kell, a Probation Officer.

The final programme, dealing with after-care, focused our attention on the indefinite prolongation of punishment far beyond the period of the legal sentence. It brought home vividly that the worst mortifications and penalties of our penal methods do not begin until a prisoner's discharge.

A panel of experts then sat in judgment. They said little that was new, and little that would be intelligible to the hundreds of thousands who must be seeing and hearing such an intelligent exposition for the first time. If present developments are tentative and uncertain, yet it could have been asserted with confidence and hope that we have entered a new phase of the campaign. The state and the politicians are for the first time embarked on a rational approach to the evil, are heeding the voices of science and logic, so often overwhelmed by the instinctive and inherited clamours of the rabble.

It is interesting to notice Mr. Mayhew's asides. Here is an alert mind,

coming fresh to the enigma. His preamble revealed that he has long been interested in crime as a social phenomenon. His first programme posed in popular language the perpetual query of the criminologist: "What makes them more vulnerable to crime. Why do *they* do it, and not their neighbours?" Criminology and penology are as inseparable as the Siamese twins, and yet they have as much separate identity. The title of the series and the first programme promised an exploration of fields familiar to the criminologist. The succeeding programmes all envisaged topics entirely in the purview of the penologist. It was an excellent series, whose major fault was in its label. If Mr. Mayhew had titled the series, "The Community's Reaction to" (or "Treatment of") "Crime," at least one viewer would not need to qualify his enthusiastic appreciation. This looks like a very carping and trivial criticism; but the public, like the world of science, needs an occasional reminder that criminology imports infinitely more than the observation of penal methods and their results. Mr. Mayhew will serve the public well if he can follow this series with an exposition of deeper topics—the ingredients of causation, the trends of processing.

His peroration was well worthy of quotation. "There is an astonishing contrast between the few thousands we have spent on researches into the cause and prevention of crime, and the millions we have poured out on exploiting crime in our newspapers and films and television, for amusement and entertainment."

BOOKS AND PERIODICALS

CRITICAL NOTICE

UNE NOUVELLE ÉCOLE DE SCIENCE CRIMINELLE—L'ÉCOLE D'UTRECHT—PRÉSENTÉE PAR JACQUES LÉAUTÉ. Études de Sciences Criminelles et Penitentiaires. Collection dirigée par R. Vouin et J. Léauté No. 1. [Paris, Editions Cujas. 1959. 117 pp. No price stated.]

IN politics attempts have been made for some time to form a block of "uncommitted" countries to hold the balance and to preserve the peace between East and West. In criminology, efforts go back over a period of more than half a century to establish a "Third School" between the classical and the positivist doctrines, not, however, in order to prevent yet another war between the two Super-Powers and their satellites, but in order to supplant them altogether by means of a new body of criminological and penological theories. This parallel is not meant to imply that these "Third Schools" are always non-committal or that they claim complete novelty for their views. Usually it is in the specific kind of mixture rather than in the ingredients that they deviate from their more extreme rivals.

The present book forms the first volume of a new and promising series edited by Professors Vouin and Léauté and "open to all Schools and ideas without exception." It consists of a series of articles, most of them not previously published, directly or at least indirectly concerned with the doctrines of the most recent "Third School," here called the "Utrecht School" because most of its members are closely connected with the Institute of Criminology of the University of Utrecht, founded and for many years headed by Professor Pompe and now under the direction of Professor Kempe. As Professor Léauté makes clear in his detailed and highly informative Foreword, the Utrecht group itself does not call itself "Utrecht School," but this description is becoming more and more popular, at least on the Continent, and in fact only one of the contributors to the present volume, the biologist Professor Portmann (Basle), is not on the staff of Utrecht University. The essays have been written by a criminal lawyer, Pompe; a criminal psychologist, Kempe; a forensic psychiatrist, Baan; and a psychologist, Buitendijk.

What are the chief characteristics, the distinguishing features of this new School? Some of them can be summed up as well-known and thoroughly justified criticisms of positivist doctrines. The Utrecht School rejects positivism because the latter regards the criminal as a being miles apart from non-criminals; because it denies free will and moral responsibility and believes

in the superficial formula of "Man as the product of heredity and milieu"; and because it does not grasp the full meaning and the redeeming force of punishment, of retribution, expiation and reconciliation as elements of punishment. Positivist scientific techniques are at fault because they try to split the human personality into isolated sectors; because they are dominated by the methodology of the natural sciences and because they confuse the prisoner whom they usually study with "the criminal." Knowledge of certain psychological and sociological factors found among prisoners is no doubt often useful or even necessary, but it can give no more than superficial insight, not only because of the inherent uncertainty of such knowledge, but also because it neglects the personality as a whole. Moreover, the prisoner is in no way representative of the criminal, not only because probably only a tiny proportion of criminals are caught but also because through being caught, brought to justice and perhaps imprisoned the human personality undergoes profound changes. The idea that the criminal and in particular the prisoner is an outlaw, writes Pompe, dies hard. Among others, he refers to the fact that in Holland the necessity to produce a "*certificat de bonne conduite morale*" until recently prevented even persons of advanced age who had committed an offence in their youth from entering certain professions and from emigrating—an institution which reminds us of the absence of a system of legal rehabilitation in this country even now. In an interesting discourse on the relationship between law and morals Pompe insists that only those who have already committed a crime should be called criminals; crime is an act, not a situation, and persons who show pre-delinquent tendencies may be dangerous, but should not be called criminals, all of which is a clear renunciation of certain trends to be found in the positivist and more recent Social Defence movements.

With these and many other criticisms of the Positivist School, some of which apply to the writings of certain members of the Social Defence movement too, we can thoroughly agree,[1] but criticism of other doctrines is in itself not quite enough to build up a new "School." What, then, are the positive elements in the teachings of the Utrecht School? To some extent, they are of course the direct logical outcome of those criticisms, but beyond that they have been turned into positive, constructive insights and tenets which, given further concentrated thought, might be used to lay the foundations of a new edifice. There is, first of all, the belief in the uniqueness of the human personality and the incomparable value of inter-personal relationships and communications, here largely explained and strengthened by way of reference to the writings of the biologist Portmann and the psychologist-philosopher Buitendijk, but probably also indebted to the work of the existentialist school, which has influenced the thinking of the Utrecht

[1] See on this my Introduction to *Pioneers in Criminology*, Stevens, London, Library of Criminology, Vol. I, 1960.

criminologists, in particular Kempe.[2] While Portmann stresses the fundamental biological differences between the early development of human beings and that of the higher animals, from which differences he concludes that no parallels can possibly be drawn between them and that man can never be deprived of his freedom of will, Buitendijk in clearly existentialist language distinguishes between "*la personnalité*" and "*la personne*," the first describing the structure of the human being and the second its existence in freedom (*l'existence selon la liberté*). Quoting the words of the great existentialist philosopher-psychiatrist Karl Jaspers "*l'existence ne se réalise que dans la communication*," he emphasises that intuitive understanding is more important than science and learning, an idea clearly derived from the "*verstehende*" psychology of Wilhelm Dilthey. Man is more than a mere "structure," and "*le comportement d'autrui et même la parole d'autrui ne sont pas l'autrui*" (Merleau-Ponty). On the other hand, we can understand another person only through studying him in relation to his environment, and in particular to other persons. Therefore the importance of the "*rencontre authentique*" and of the technique of dialogue and conversation. Such a *rencontre*, as in particular the Americans have discovered, can be of value only if it means "*le contact, la rencontre répétée en toute sincerité de coeur qui ouvre à la réalité des valeurs, qui engendre la transformation progressive de la situation.*"

From such reflections Kempe takes his cue not only for his strictures on present-day criminological work but also for his positive suggestions "*vers une criminologie mieux fondée*" (Chap. II). A few of these strictures are perhaps not altogether justified. We can fully agree with him that a much more intimate knowledge of the criminal personality is needed than can be gained from the ordinary type of statistical and even sociological or psychological investigation to which we have got accustomed. We can also agree that the Lombrosian slogans "not the crime, but the criminal" and "individualisation of punishment and treatment" were put into practice only in the most primitive fashion by positivist research workers and penologists and that their efforts led to hardly any real understanding of the personality of the criminal. We can agree with Kempe that Thomas Huxley's advice to "sit down before a fact like a little child" can no longer satisfy those of us who have become slightly sceptical of mere "facts." We can agree that, while the old idea of the child as an adult *en miniature* has at last disappeared, too many criminological concepts such as "misconduct" or "sexuality" are still unthinkingly and without the necessary adaptation transferred from the realm of adult criminality to that of juvenile delinquency, or that the concept of the "broken home" is often used without asking what may appear "broken" not to the examining adult but to the child himself. Kempe is also right in

[2] See his paper on "The Homosexual in Society," *British Journal of Delinquency*, Vol. V, No. 1, July 1954, especially pp. 19–20.

thinking that only by means of such intimate individual studies as those at present undertaken at the van der Hoeven Clinic, the presence of which is of course an invaluable asset of the Utrecht Criminological Institute, and at similar clinics can we hope to reach a better understanding of the problem of recidivism. He is, in my view, not on the same firm ground, however, with his wholesale condemnation of present-day criminologists for the manner in which they deal with the phenomenon of mass crime in our society (" *Cette situation réduit la sociologie criminelle à s'acharner sur l'examen du ' crime en tant que phénomène de masse ' "*) without paying proper attention to the all-important question of human contacts in social life (p. 83 *et seq.*). One weighs what can be weighed, one measures what can be measured, one registers what can be registered by means of sketches, photos or films, but having done so, one sits back and waits for the miracle which will not happen : the revelation of the inner life of these men and these phenomena which one has duly weighed, measured and registered (p. 87). These are old and just complaints which have recently been made with particular force by American sociologists themselves, such as Mills and Sorokin, who have been among the chief sufferers from this unthinking and soulless craze for one-sided " quantification." [3] Such voices, though still rare, are now gaining in strength, and it is no longer invariably true that the question of " human contacts in social life " is entirely neglected in modern criminology. Several examples to the contrary could be quoted, such as the recent studies by Christian Debuyst in Belgium and Gresham M. Sykes in New Jersey, the research at present undertaken in London prisons on behalf of the Home Office and the London School of Economics, which has as one of its main objects the exploration and evaluation of " human contacts," and last but not least the work done by the Utrecht Institute itself on the attitudes of prisoners and on after-care. Such examples are not yet very numerous, but they are perhaps straws in the wind and show the way towards " *une criminologie mieux fondée.*"

If the Utrecht Group is clearly anti-positivist, how far is it pro-classicist? In some ways it certainly means a going back to the classical ideas of stressing the significance of the actual crime committed, of individual responsibility and free will, but between these classical doctrines and the present lies a period of nearly a century and a half of concentrated thought which has left its mark on the writings of the Group. To them, neither individual responsibility nor free will are any more the rigid static concepts they were to the old classical school of the eighteenth and nineteenth centuries. Responsibility to them is a reality, but a dynamic and changing reality adaptable to individual circumstances, and the significance of the criminal act does not exclude the fullest consideration of the personality of the criminal in his interaction with his fellow human beings.

[3] See " Pioneers in Criminology," London, 1960, p. 30.

In conclusion it might be said that what the Utrecht School so emphatically stresses with regard to the human and criminal personality, *i.e.*, that the whole is more than the sum of its components, is also true of the principles of this School themselves. No attempt to add up the main points in their writings could adequately describe the essence of its programme which strongly reflects the humanitarian spirit of its head, Professor Pompe, and his principal pupils and colleagues, and as Professor Léauté rightly observes (p. 19) it would be unfair to judge the significance of the Utrecht School solely on the strength of this small volume. We are looking forward with great interest to their further publications.

H. M.

REVIEWS

THE ENGLISH PRISONS: THEIR PAST AND THEIR FUTURE. By D. L. HOWARD. [London: Methuen & Co., Ltd. 1960. 174 pp. 21s.]

ANATOMY OF PRISON. By HUGH J. KLARE. [London: Hutchinson & Co., Ltd. 1960. 160 pp. 18s.]

WE are already indebted to Mr. Howard for what is quite the best available book on the life and work of John Howard. He has now turned his attention to a wider subject. *The English Prisons* is designed to provide a survey of the history of imprisonment in England from the end of the eighteenth century to the present day, together with a brief account of some of the problems of today and some proposals for the future. The book "is intended for the general reader as well as for serious students of penal history." It can be recommended to both groups, but some in the latter category may be a little disappointed.

In his book on Howard the author, because of a candour absent from the hagiographic exercises of earlier biographers, succeeded in substituting a credible human being for a remote image. Howard emerged as no plaster saint but made of ordinary clay; yet no less uniquely important and significant. In the book under review more than three-quarters of its length is devoted to an account of English prison history which follows accepted lines. We make the familiar journey from the "harsh and brutal treatments" of the eighteenth century to the "gradual ascendance of the reformative, rehabilitative spirit" in the twentieth century, under a guide who is both enlightened and informative, but not prepared to deviate from the recognised tourist route. Thus John Howard is acclaimed as "the greatest of all prison reformers"; Du Cane is dismissed as guilty of "a blind mechanical subservience to a narrow frame of rules"; and such well-worn dicta as "you cannot train men for freedom in a condition of captivity" are quoted but not questioned. The serious student today is entitled to demand more than is

provided in this agreed non-controversial version of events. History is a process of selection and interpretation and one could wish that the principles of selection and canon of interpretation at work here were less blandly orthodox. One is reminded of Marx's (Groucho, not Karl) ungracious farewell to his hostess: "I've had a wonderful evening; but this wasn't it." There is a wonderful book to be written about the history of English prisons.

The same criticism applies to some extent to the thirty-odd pages at the end of the book devoted to "Our Prisons Today and in the Future." Mr. Howard is not the first to notice that our prison buildings are ancient and ill-suited to the purposes of today; that it is difficult to provide work for prisoners; that our prison administration is highly centralised; that the prison service is a disciplined hierarchical structure, and so on. His suggestion that "we must ensure that the Prison Service has sufficient money, sufficient buildings of the right design, and staff of sufficient training to make the best attempt at rehabilitative work now possible" is almost truistic. The most fervent reactionary would be unlikely to argue that the Prison Service should have insufficient money, buildings of the wrong design and ill-trained staff. Mr. Howard is aware, and goes out of his way to repeat, that the Prison Commissioners are (as he is himself) enlightened and well-intentioned. But in relation to the problem of recidivism, the crucial importance of which Mr. Howard recognises, good intentions are not enough. There has been no shortage of good intentions since Sir Evelyn Ruggles-Brise became Chairman of the Prison Commission in 1895. What is needed then? Mr. Howard calls on the Commissioners "to adopt a definitely social-therapeutic policy"; but for all his references to "really modern therapeutic methods" and "rehabilitative techniques," and "highly trained social therapists" the precise details of this policy remain obscure. We are nowhere told what these modern methods are; or to what extent they have been assessed or validated. And I am very much afraid that even if we did leave "the senior officials of the Commission free . . . to absorb the spate of current criminological literature," as Mr. Howard recommends, they would be unlikely to find the answer there either.

One book, however, which would repay their attention is Hugh Klare's *Anatomy of Prison*. This is in one respect a slight book, for it runs to little more than forty thousand words and can be read at a sitting. But it is closely compacted in substance and rich in insight. The author attempts to analyse and understand the "very considerable and sometimes damaging pressure" to which the men and women, including both prisoners and prison staff, are subjected in an ordinary, local, maximum security jail. He has also a secondary purpose: to suggest ways of controlling the pressure and using it fruitfully by guiding it into more constructive channels. Mr. Klare has brought to the writing of this book the same courteous regard for the opinions of those with whom he differs; the same dispassionate freedom from

sentimentality; and the same ability to distinguish the root problems which have marked his tenure of the office of Secretary of the Howard League over the past decade. Thus, in his preface, he does not claim to present the truth about prison "but only the truth as I see it," and at the end of his last chapter he says disarmingly: "Whether any of the ideas—and, I daresay, prejudices—that I have briefly aired will lead to progress and better results, I do not know." He has none of the old-fashioned reformer's comfortable illusions. "Prisoners," he says, "are difficult, resentful people, often unstable, sometimes dangerous"; and he asks, "How often is a kindly gesture repulsed, how often is an understanding approach mistaken for weakness, how often is an officer provoked by a sullen and aggressive offender? And do not officers get attacked, and sometimes badly injured, by the very people they are supposed to help?" He makes the local prison the focus of his study because he recognises that the majority of our prisoners are in these prisons and it is in them that every prisoner receives his first, and most of them their last, impression of prison. He devotes three of his chapters, an appendix and many paragraphs *passim* to the Basic Grade Prison Officer because he recognises the absolutely crucial importance of their role. "They are entitled to sympathy and respect from the public," he says, "and above all, from penal reformers. . . . For outsiders to press for reforms, and then to condemn those who might have to carry them out as reactionary because they do not always receive such suggestions with marked relish, is not only thoughtless but unfair."

Not since de Tocqueville, when the penitentiary system was in its infancy over a century ago, has any outside observer examined the prison problem with such shrewd penetration. Not only is it true that no member of the general public who wants to know about this subject could fail to learn from this book; but also there can be few members of the prison service itself who would not derive enlightenment from it. This is not to say, of course, that all of them will agree with Mr. Klare's suggestions for the future. In brief his recommendation is that we must aim at "small prisons and small groups to be able to relax discipline and to introduce some democracy. Small enough to have some rules jointly made and jointly accepted, to encourage responsibility, and to provide a climate in which prison officers can lead and need not suppress." In contrast to Mr. Howard, who does not want his new policy introduced gradually but rather "with a flourish" and "the sound of trumpets," Mr. Klare suggests that "the changes . . . need not be abrupt. They could be introduced gradually, tested for their effectiveness, and if satisfactory, taken further." He accordingly proposes a controlled experiment in one small prison for not more than 150 prisoners—a specially-built maximum security institution divided into twelve small separate units, each for twelve or thirteen prisoners. In these units under Unit or Group Officers a programme of intensive group discussion and group therapy would be

carried out. The population of this prison would be so constituted as to contain a balanced mixture of prisoners "with reasonably good personalities," those "with less good personalities" and those "with difficult personalities, including some with psychopathic traits"—on the grounds that within this heterogeneous group "the better personalities can support the worse"; and the sub-groups would also be heterogeneous. If this experiment results in "a real improvement . . . in the total number of prisoners who are rehabilitated," then, says Mr. Klare, "the Prison Commission would be justified in pushing this system slowly ahead, making sure all the time that results justify what they are doing."

It might seem a little ungenerous to criticise this relatively modest and reasonable proposal, but perhaps a question or two may be permitted. There are really, as Mr. Klare points out, two propositions here: new treatment methods and a different grouping of prisoners. He adds that the Prison Commissioners might prefer to test them separately "so that we can know the relative importance of each." But perhaps there is another reason, not mentioned by Mr. Klare, for such separation. When one remembers that his mixed groups are to contain all types of prisoners with the one exception of grossly unstable psychopaths it seems sanguine, to say the least, to expect them all to react favourably to the same new methods of treatment. On what basis in fact does Mr. Klare's confidence in the wholesale efficacy of his new specific rest? One would expect the extremely diverse types of personality in the groups to respond differentially; and that some at any rate might respond unfavourably or not at all. Is there any reliable evidence that this does not in fact happen when group methods are employed?

One suspects that the penal reformers' belief in the existence of some universally potent mode of treatment is an *ignis fatuus;* as delusive as the early scientists' belief in the existence of phlogiston.

Gordon Hawkins.

PRISONS. By B. K. BHATTACHARYA. With a Foreword by Dr. Hermann Mannheim. [Calcutta: S. C. Sarkar & Sons (Private) Ltd. 1958. 196 pp. 25s.]

THIS remarkably interesting work is concerned with the prisons of India, their present administration and problems. It will no doubt be of great service to students in India, the more particularly because Dr. Bhattacharya, a High Court Judge who is passionately concerned with the development of sound, reformative penal practice in his own country, has drawn widely on English, American and other foreign sources for purposes of comparison. The work is a considerably reduced version of his London Ph.D. thesis, and it shows constant awareness of contemporary thinking in this country on the really important difficulties created by imprisonment. The problem is indeed

immense: one alone of the Provinces of India has a daily average prison population equal to that of England and Wales; even more than us, the Indian penal administrators are faced with overcrowding, a lack of professional and other trained staff and inadequate release and after-care procedures. In addition, they must deal in their prisons with a multiplicity of race, caste and creed, and a population many of whom are seriously impoverished and unaccustomed in their daily lives to some of the conditions we regard as bare necessities in our own institutions.

Like the American and the West German systems, the Indian prisons are administered provincially, and a serious lack of co-ordination of rules and policies has not, it seems, been entirely solved by the recent creation of a Central Bureau for Correctional Services. Nevertheless, the movement for reform in India has the interest of political leaders themselves experienced in the life of a prisoner under British rule, and it is most fortunate now in possessing a wise and balanced description of the prison system which takes account of the most enlightened policies and proposals advocated in Western Europe and is concerned with their application to the existing Indian structure.

Dr. Bhattacharya adds to his book a fascinating series of Appendices on early prison administration in India which we may hope will one day be developed into a full history of penal institutions and methods in his country. I hope a suggestion that Dr. Bhattacharya should have the proofs of his work more carefully read in future will not be regarded as unkind. It is rather startling to find offenders divided into "Females" and "Able-*boiled* Men."

D. L. Howard.

Social Theory and Social Structure. By Robert K. Merton. Revised and enlarged edition. [Glencoe, Illinois: The Free Press. 1957. xviii + 645 pp. $7.50.]

In spite of its being slightly overloaded with both problems and material there is no end to what criminologists can learn from this second, thoroughly revised and greatly enlarged, edition of one of the masterpieces of modern American sociology. This is in fact a book of nearly twice the size of the original, which was published in 1949. It can here be reviewed only inadequately and belatedly. Not all its chapters are of course of equal value to criminologists, but while those criminologically interested students who might search the Index for direct references to the sociology of crime are likely to be disappointed less superficial readers will soon become aware that Merton is a writer whose indirect influence on recent criminological thought has been quite immeasurable.

As the author justly claims, while the individual chapters of his book were not originally written to form the consecutive parts of one volume it nevertheless shows "logical coherence, unity and emphasis," and the addition of

new chapters has not weakened this impression. Professor Merton's primary concern is, first, with the interplay of social theory and social research and, secondly, with the progressive codification of both substantive theory and the procedures of sociological analysis. He realises that the mere object of consolidating the relations between social theory and social research is so indisputable as to be almost meaningless and that something has to be done to make this object more specific. This is why he stresses the need for "theories of the middle range" which are empirically testable and, on the one hand, "specific enough to be effectively utilised in organising the evidence . . ." and, on the other, "general enough to be consolidated into increasingly broader sets of generalisation" (p. 10, n. 4).

Already the first chapter, "Manifest and Latent Functions," dealing with functional analysis in sociology, discusses problems of considerable significance to criminologists, such as the need to avoid terminological confusion (with an illustration taken from Sutherland's *Principles*), to distinguish clearly between the objective function of a social institution, such as punishment for example, and subjective dispositions, motives or purposes. His analysis of the latent functions of social phenomena leads him to a better understanding of the corrupt political machine, the racket, in American business and political life; they fulfil "functions not adequately fulfilled by culturally approved or more conventional structures" (p. 80).

What he writes in Chapter 2, "On the Bearing of sociological Theory on empirical Research," on the contrast between those sociologists who try to generalise, who "do not know whether what they say is true but it is at least significant" and those who try to observe facts and whose motto is "This is demonstrably so, but we cannot indicate its significance" (p. 85) is of course equally true of criminologists. But true also is Merton's conclusion that there is no logical reason why these two classes of workers should be ranged against each other.

Undoubtedly the greatest contribution which Merton has made to criminal sociology is contained in his Chapter 4 on "Social Structure and Anomie" and in the new Chapter 5, which discusses the more recent literature on the subject such as Albert K. Cohen's and Bernard Lander's important books on juvenile delinquency.[1] The latter is singled out as an illustration of the objective, sociological interpretation of anomie. There is no need to describe, and comment on, Merton's theory, which has won an established place in the sociological interpretation of criminal behaviour, mainly but by no means exclusively in the United States. As the author readily admits, most of his hypotheses still await empirical tests and validation, and in many cases laboratory tests will be inadequate to supply the empirical evidence required because of their relatively slight ego-involvement as compared with the acute

[1] See my reviews of Lander, *Brit.J.Delinq.*, Vol. VI, 2, 1955, p. 160, and of Cohen, *British Journal of Sociology*, Vol. VII, 1956, p. 147 *et seq.*

social pressure in real life situations. Lander is one of the few research workers who did make an attempt to measure anomie as an objective condition of group life, but as Merton says, his particular " cluster of variables can provide only a rough measurement of the factor ' anomie,' " and other critics have argued that Cohen's theory of the criminal sub-culture, too, is not yet sufficiently backed by empirical evidence. In spite of his emphasis on the anomie factor, Merton makes it clear that he does not subscribe to " any unthinking tendency to assume that American society is uniformly riddled with anomie." The immense political significance of this problem and of the question *to what extent* anomie actually dominates that society is only too obvious. In any case, it is good to see that Merton comes out so firmly against any attempt to find a theory of crime causation which would aim at monopolising the whole field.

H. M.

VALUE IN SOCIAL THEORY. A SELECTION OF ESSAYS ON METHODOLOGY. By GUNNAR MYRDAL. Edited by PAUL STREETEN. [London: The International Library of Sociology and Social Reconstruction, Routledge & Kegan Paul, Ltd. 1958. xlvi + 269 pp. 32s.]

IN his remarkably full and stimulating Introduction, most of which is a revised version of an article published some years ago in an American economic journal, the editor of this volume writes: " If a man has been successively university professor, government adviser, member of parliament, director of a study of the Negro in American life, cabinet minister, bank director, chairman of a planning commission and international civil servant . . . we should not be surprised if he came to ask himself certain fundamental questions: Can one be at the same time objective, practical and idealistic? What is the relation between wanting to understand and wanting to change society? . . .", and, consequently, Gunnar Myrdal's biography " might be an exercise in practical methodology." This collection of essays is mainly concerned with the relations between values and analysis of facts in social theory. Much of it has been published before; the whole of Part II, for example, has been taken from Myrdal's great work on the American Negro. While he writes primarily as an economist, most of the book is in fact sociological, and its implications for criminological theory are only too obvious. Among the problems to which the author returns again and again are facts and values, ends and means, the psychology of bias in social research, science and politics. Chapter Two contains his masterly address to the British Sociological Association on the relation between social theory and social policy, reprinted from the *British Journal of Sociology*, with its central theme of how the social sciences have been, and are, influencing social policy, of the changing role of social theory in the formation of social policy, of the attempts to develop a technology, a

set of tools for social engineering. He warns social scientists, however, that in spite of their growing influence on the shaping of social policy they should be careful not to claim too much success in their new functions, though their failures have not been all their fault.

No short review can do justice to this collection. No social scientist, no criminologist should embark on a piece of research without having studied it.

H. M.

THE PROBLEM OF DELINQUENCY. Edited by SHELDON GLUECK. [Boston: Houghton Mifflin Co. 1959. 1147 pp. $10.50.]

THIS is a very long book based on material used for teaching purposes in the Harvard Law School. It consists of a large number of articles and extracts from books relating to juvenile delinquency. Some fifty decisions on fundamental legal issues are also quoted. There are four main parts, dealing with: Incidence and Causation, the Juvenile Court and the Law, Treatment, and the Prevention of Delinquency. The parts consist of varying numbers of chapters, each of which is prefaced by an Editor's Note. The avowed aim is to compile "a set of materials that is eclectic and far ranging," and the Editor states, "I have made every effort to include all relevant points of view, since I have long been convinced that no single discipline can supply all or even most of the fundamental answers." These are admirable sentiments; how are they put into practice?

It was probably only natural that the Gluecks' own contribution to criminology would be stressed; in addition to the twenty-nine Editor's Notes, some twenty of the readings quoted are by one or both of the Gluecks. There are contributions from a sociological angle by Shaw and McKay, Clinard, Wattenberg and others, but nonetheless it is made very clear that the Editor does not value this approach very highly. On this score one cannot but feel that the eclecticism might have gone a little deeper.

The general arrangement of topics seems not unreasonable, and any thinness of contributions may only reflect the lack of substantial work to discuss; the section on after-care, for example, is distinctly limited.

Perhaps the most serious weakness relates to the Gluecks' own work and their treatment of criticisms of it. Only by reading the footnotes on p. 1023 is it possible to discover that the Gluecks are not the only workers to have devised prediction tables. British readers may be surprised to discover that the only reference to Mannheim and Wilkins' *Prediction Methods in relation to Borstal Training* is a footnote referring to it as "an account that includes English studies on prediction." It may be that Mannheim and Wilkins made some unpalatable methodological criticisms of the Gluecks' work, but the book under review, published four years later, gives no indication of the fact.

Similarly Reiss' review of *Unraveling Juvenile Delinquency* is briefly summarised while the Editor replies at much greater length.

So far as the Gluecks' own work is concerned the book seems to be less than scientific in that it does not give as much prominence to criticisms as it does to the claims which the Gluecks have advanced. The issue of validation is crucial here, and it is here that most doubt remains. The retrospective predictions all suffer from the weakness that over-predicting the risk of delinquency may lead to an apparently successful prediction, at the expense of classifying too many children as potential delinquents. The prospective prediction now being attempted is likely to be of more value, but even here it looks as if between 25 per cent. and 35 per cent. of the predictions will be inaccurate; *i.e.*, those proportions will be wrongly classified—delinquents as non-delinquents and vice versa. Much depends on how the tables are to be used, and this is never made clear.

In many respects this compilation is useful but, for the reasons suggested above, less so than might have been hoped. As a source book it is too compressed on methodological points, while as a general survey it suffers from sins of omission. For the British reader it will also have the disadvantage of being almost entirely based on American experience.

J. P. Martin.

CHILDREN IN CARE. By JEAN S. HEYWOOD. [London: Routledge and Kegan Paul. 1959. 229 pp. 25s.]

THE recent publication of the report of the Ingleby Committee has again focused our attention on the needs of children. Our current preoccupation with contemporary difficulties tends to blur our understanding of the importance of past events. For this and many other reasons, therefore, Miss Heywood's historical survey of the care of the deprived child in England is to be most warmly welcomed. Here, in 220 pages, Miss Heywood depicts the sorry story of the community's apathy and indifference from the Middle Ages to the present day. To do this, she has drawn extensively upon various historical documents and the results of her researches are presented with clarity and conciseness; her book fills a great gap in the literature of child care.

There is a most moving and perceptive account of the fate of children in eighteenth and nineteenth century England, and one can only remain appalled that such conditions were tolerated for so long. Public (or rather Parliamentary) opinion remained unmoved and one is tempted to look into the future and hazard a guess that in perhaps a hundred years' time our successors will think our present attitude to such matters as capital punishment or homosexuality to be equally barbaric. It is here that one is reminded of the importance of a sense of history if humane methods are to be fostered.

However, as the author points out, the picture was not entirely black and she refers to the efforts made by certain philanthropic societies and forward-looking individuals. Of special interest to readers of this Journal will be Miss Heywood's account of the development of care for the delinquent child. She provides a useful reminder that two of our modern Classifying Approved Schools have their origins in the 1850s. It is only against this background that we can understand the somewhat piecemeal development of the independent provisions for the deprived, the destitute and the delinquent child.

In an interesting account of the development of the work of the voluntary societies Miss Heywood quotes the conditions of eligibility for reception into care adopted by the Church of England Children's Society in 1883. They are not at all unlike the provisions of the 1948 Children Act. The last three chapters are devoted to a detailed survey of the present-day methods of child care. Your reviewer regrets that the author makes but little reference to the training of child care staffs and feels that some comments from Miss Heywood's penetrating pen would have advanced the value of her book.

In addition to the main text there are a number of appendices reproducing documents of historical interest, including an account of the first admission to the Foundling Hospital. There is also an extensive and useful bibliography. This book should be recommended reading for anyone engaged in the child care or delinquency field.

Herschel Prins.

COMMUNICATION OR CONFLICT. CONFERENCES: THEIR NATURE, DYNAMICS AND PLANNING. Editor MARY CAPES. [London: Tavistock Publications. 1960. xi + 228 pp. 30s.]

THE essence of this book is a report on an international conference held at Eastbourne in 1956, sponsored by the Josiah Macy Foundation in New York and the World Federation for Mental Health, on the "process and functioning" of international conferences. The significance of the subject becomes only too clear when we read that in 1953 such conferences numbered at least two thousand (on p. 147 even estimated at 4,000, apart from another 4,000 UNO conferences). Although we criminologists contribute to these formidable figures only a comparatively modest share, there are nevertheless probably many dozens of such international criminological conferences, large or small, every year in various parts of the world. In addition, there are of course hundreds of psychological, psychiatric, sociological, medical, legal and anthropological congresses and conferences where topics important to criminologists are discussed. Their sociological and psychological study, the analysis of their methods of procedure and results should therefore be a matter of considerable interest to all of us. Are they merely a waste of time, money

and energy or do they contribute to the progress of our discipline, and how are they best conducted?

Part I of the book contains short papers prepared for and made available beforehand to the twenty-one members of the Eastbourne conference, among whom were such well-known experts—to mention only some of the Anglo-American names—as Dr. Buckle, Dr. Brock Chisholm, Dr. Fremont-Smith, Professor Klineberg, Dr. Margaret Mead, Dr. Ratcliffe of Nottingham, Dr. J. R. Rees, Dr. Soddy, Professor Roger Wilson and Dr. A. T. M. Wilson. Part II, by far the longest, reproduces the discussions and Part III contains several Appendices. In her introductory paper Margaret Mead points out that the committee form is peculiar to Anglo-Saxon countries and that different cultures require different procedures—" people who neither understand nor believe in discussion cannot lead discussion groups." Otto Klineberg argues convincingly against Kurt Lewin's view that " laws of group behaviour could be established independently of the purposes or the specific activities of the group " and tries to work out a typology of participants in group discussions. Dr. Ratcliffe, who sketches the historical development of group work, stresses that large conferences have been falling out of favour (just as large institutions, we might perhaps add). In the following discussion practically every conceivable aspect related to conferences was raised and, to some extent, answered from an international angle. The discussion form stimulated, but also led occasionally to unnecessary elaboration and repetition. The final section was, quite properly, devoted to the question of research into the running of conferences and produced some observations useful for other researches, too.

H. M.

PUBLICATIONS RECEIVED

(*Inclusion in this list does not preclude a later review*)

ADLER (J. A.): *Dictionary of Criminal Science*, Elsevier, 15 gns.

ANCEL (M.): *Le Nouveau Code de Procédure Pénale*, Centre Français de Droit Comparé.

BENNETT (I.): *Delinquent and Neurotic Children*, Tavistock Publications, 45s.

BUCKLE (D.) and LEBOVICI (S.): *Child Guidance Centres*, World Health Organisation: Monograph Series No. 40, 20s.

BURMEISTER (E.): *The Professional Houseparent*, Oxford University Press, 32s.

BUTLER (R. A.): *Penal Reform and Research*, Liverpool University Press, 3s. 6d.

CARUSO (A. I.): *Psychanalyse et Synthèse Personnelle*, Desclée de Brouwer, 24 Fr. fr.

CENTRE INTERNATIONAL DE L'ENFANCE: *Conditions de Vie de l'Enfant Africain et Délinquance Juvénile*, C.I.E.

CLIFFORD, (W.): *Crime in Northern Rhodesia*, Rhodes-Livingstone Institute, 10s.

CLOWARD (R. A.) *et al.*: *Theoretical Studies in Social Organization of the Prison*, Social Science Research Council, U.S.A., $1.50.

CLOWARD (R. A.) and OHLIN (L. E.): *Delinquency and Opportunity*, Free Press, Glencoe, U.S.A., $4.

COMITÉ DE LÉGISLATION ÉTRANGÈRE: *Le Code Pénal de l'Empire d'Ethiopie* (du 23 Juillet 1957), Centre Français de Droit Comparé, Paris.

DAHRENDORF (R.): *Class and Class in an Industrial Society*, Routledge & Kegan Paul, 42s.

DEVLIN (P.): *The Criminal Prosecution in England*, Oxford University Press, 15s.

DRESSLER (D.): *Practice and Theory of Probation and Parole*, Columbia University Press.

EISSLER *et al.*: *The Psychoanalytic Study of the Child*, Vol. XIV, International Universities Press, U.S.A., $8.50.

ELIOT (D. T.), HILLMAN (A.) *et al.*: *Norway's Families*, Oxford University Press, 64s.

ESCALONA (S.): *Prediction and Outcome*, Imago Publishing Co., 42s.

EUROPEAN COMMITTEE ON CRIME PROBLEMS: *Juvenile Delinquency in Post-War Europe*, Council of Europe.

FERGUSON (T.) and KERR (A. W.): *Handicapped Youth*, Oxford University Press, 15s.

FRIEDMANN (W.): *Law in a Changing Society*, Sweet & Maxwell, 50s.

FURNEAUX (R.): *Podola*, Crime Documentaries No. 1, Stevens & Sons, 18s. 6d.

FURNEAUX (R.): *Hoolhouse*, Crime Documentaries No. 2, Stevens & Sons, 18s. 6d.

GINZBERG (E.) (ed.): *The Nation's Children*: Vol. 1 *The Family and Social Change*, Vol. 2 *Development and Education*, and Vol. 3 *Problems and Prospects*, Columbia University Press, each 22s.

GLOVER (E.): *The Roots of Crime*, Imago Publishing Co., 45s.

GLUECK (S.) and (E.): *Predicting Delinquency and Crime*, Oxford University Press, 52s.

GRUBER (F. C.) (ed.): *Education and the State*, Pennsylvania University Press, 22s.

HANNEQUART (Y.): *La Responsabilité Pénale des Ingenieurs*, Vaillant-Carmanne, Liege, 320 Belgian fr.

HENTIG (H. VON): "Zur Psychologie der Einzeldelikte": Vol. IV *Die Erpressung*, Mohr, Tubingen, DM.28.

JENKINS (A.): *Law for the Rich: A Plea for the Reform of the Abortion Law*, Gollancz, 15s.

JUNKER (B. H.): *Field Work: An Introduction to the Social Sciences*, University of Chicago Press, 40s.

KINBERG (O.): *Les Problèmes Fondamentaux de la Criminologie*, Centre français de droit comparé, Paris.

LUDER (I. A.): *El Sistema Juridico de la Ejecucion Penal*, Instituto de Investigaciones y Docencia Criminologicas.

LUNDEN (W. A.): *War and Delinquency*, United Nations.

LYNTON (R. P.): *The Tide of Learning*, Routledge & Kegan Paul, 25s.

MCKINNEY (F.): *Psychology of Personal Adjustment*, John Wiley & Sons Inc., 8s.

MANNHEIM (H.) (ed.): *Pioneers in Criminology*, Stevens & Sons, 45s.

MARSHALL (H. H.): *Natural Justice*, Sweet & Maxwell, 35s.

MAURER (R.): *Das Problem des Verschuldens im schweizerischen Jugendstrafrecht*, P. G. Keller, Winterthur.

MIDDENDORFF (W.): *Soziologie des Verbrechens*, Eugen Diederichs, DM.24.

MILLER (F. J. W.) *et al.*: *Growing Up in Newcastle-upon-Tyne*, Oxford University Press, 25s.

MILTON (F.): *In Some Authority*, Pall Mall Press, 16s. 6d.

MUELLER (G. O. W.): *The American Series of Foreign Penal Codes*: 1 *France* and 2 *Korea*, Sweet & Maxwell, 30s. each.

NEW YORK CITY YOUTH BOARD: *Reaching the Fighting Gang*, N.Y. City Youth Board, $3.00.

NORMAN (S.): *Detention Practice*, Nat. Probation & Parole Assn., U.S.A., $2.50.

NYQUIST (O.): *Juvenile Justice*, Macmillan & Co., 50s.

ODLUM (D.): *The Mind of Your Child*, W. & G. Foyle, 4s.

PETERS (K.): *Grundfragen der Strafrechtsreform*, Bonifacius-Druckerei, Paderborn.

POMPE (W. P. J.) *et al.*: *Strafrechtspraak*, Van Gorcum.

PRIESTLEY (K. E.): *Constructive Work for Mental Health in Hong Kong*, Oxford University Press, 7s. 6d.

ROWE (J.): *Yours by Choice*, Mills & Boon, 15s.

RUCK (S. K.): *The West Indian Comes to England*, Routledge & Kegan Paul, 25s.

SCHAFER (S.): *Restitution to Victims of Crime*, Stevens & Sons, 25s.

SMITH (J. C.) (ed.): *Criminal Case and Comment* 1959, Sweet & Maxwell, 17s. 6d.

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STEINER (L. R.): *Understanding Juvenile Delinquency*, Mayflower Publishing Co., 32s.

STENGEL (E.): *Classification of Mental Disorders*, World Health Organisation.

TANNER (J. M.) and INHELDER (B.) (eds.): *Discussions on Child Development*, Tavistock Publications, 30s.

TRASLER (G.): *In Place of Parents*, Routledge & Kegan Paul, 25s.

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UNITED NATIONS: *The Selection of Offenders for Probation*, United Nations Publication, $0.50.

WILLS (D.): *Throw Away Thy Rod*: *Living with Difficult Children*, Gollancz, 18s.

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